CORRESPONDENCE

ON

MOPLAH OUTRAGES

IN

MALABAR,

FOR THE YEARS

1853-59.

Published by Authority.

VOL. II.

MADRAS:
PRINTED AT THE UNITED SCOTTISH PRESS,
BY GRAVES, COOKSON & CO.
1863.

Digitized by Google

Digitized by Google

CORRESPONDENCE ON MOPLAH OUTRAGES IN MALABAR.

1853-54.

Table of Contents.

Page.	From	To	Date and Number.	Subject.
			1853.	
1—	H. B. M's Vice Consul and Honorable Company's Agent, Juddah,	Chief Secretary to Govt.	1st May	Reporting that the Tangul, Syed Fuzil, left Arabia for Constantinople, and that the purport of the despatch from the Madras Government will be made known to his family and followers in the Hedzas.
1—	Order of Government.	———	17th June, No. 851.	The above report communicated to the Magistrate of Malabar for information.
1—	Petn. of Colatoor Shoolapany, alias Mootha Variyer.	Right Hon'ble the Governor-in-Council.	2nd August,	Praying that Orders may be issued for the recovery of the loss sustained by his family from the Moplah outrages, and that measures be taken to relieve Petitioner, and his relatives, from the fear of future violence by the Moplahs, and also that the demand for Revenue by Government Officers may be postponed.
5	do.	Collector of Malabar.	27th Dhunoo, 1028.	
5	Order by the Collector.	———	7th April 1862, No. 2,677.	
6—	Order of Government.	———	25th August, No. 488A.	The Government express regret at the injury sustained by Petitioner and his family. They observe that the necessary steps have been taken for preventing future outrages; that the Collector has duly determined the amount of revenue to be remitted to him; and that the loss sustained by him cannot be recovered by the sale of the estates of the Moplahs concerned. The Government also regret that Petitioner should object to the arrangement, which the Magistrate was authorized to effect respecting the Mosque ground, but leave it to Petitioner to decline it or await the result of the suit pending in the Moonsiff's Court.

Digitized by Google

Page.	From	To	Date and Number.	Subject.
7—	H. B. M's vice Consul and E. I. Company's Agent at Juddah.	Secretary to Government, Judicial Dept.	29th June 1853 No. 9.	Reporting the return of the Tangul, Syed Fuzil, from Constantinople, and the intimation to him of the Orders of Government that he was not to go back to India without express permission—and stating that as the Tangul is in possession of authority from the British Ambassador at Constantinople to return to India, he might proceed to Aden and thence embark, unless the authorities there have received instructions respecting him.
8—	Order of Government.	———	10th Sept. do No. 520A.	The above report communicated to the Magistrates of Malabar and Canara, and those officers directed to apprehend and deal with the Tangul as a State Prisoner in the event of his appearing in either of those Provinces.
9—	Secretary to Government, Judicial Department.	H. B. M's Vice Consul and E. I. Company's Agent at Juddah.	10th Sept. do No. 521.	The Government request that every endeavour be used to prevent the Tangul's departure from Arabia, and that he may be distinctly apprized that, in the event of his presenting himself in India, he will be dealt with as a State Prisoner.
9—	do.	Political Agent at Aden.	10th Sept. do No. 523.	The Government request him to take every precaution to prevent the Tangul's departure from Arabia, and to inform him if he appeared at Aden, that, in the event of his returning to India, he will be dealt with as a State Prisoner.
10—	do.	Secretary to Government, Bombay.	10th Sept. do No. 522.	The Bombay Government informed of the Tangul's precedents, and requested to take measures to prevent his revisiting the Madras Presidency, in the event of his succeeding to get a passage to, and appearing at Bombay, from Arabia.

Digitized by Google

Page.	From	To	Date and Number.	Subject.
			1853	
11—	Magistrate of Malabar.	Secretary to Government, Judicial Dept.	22d September, No. 33.	Report of the murder of a Numbudry (Brahmin) by two Moplahs, said to have been joined subsequently to the event by a third Moplah.
12—	H. B. M's Vice Consul and E. I. Company's Agent at Juddah.	do.	29th July, No. 11.	Informing the Govt. that Syed Fuzil is about to proceed to Yemen(Southern Arabia)and that the necessary steps have been taken to prevent his escaping into India.
13—	Order of Government.	———	20th Sept., No. 566.	The foregoing report communicated to the Magistrates of Canara and Malabar.
13—	Magistrate of Malabar.	Secretary to Government, Judicial Dept.	19th Sept., No. 32.	Reporting to Government the measures taken towards the relatives of the Teruvangadi Tangul, who have returned from Arabia.
15—	Order of Government.	———	29th Sept., No. 568.	The measures taken by the Magistrate approved, and that Officer called upon to report whether in respect to the Tangul's brother-in-law, Syed Hoossain Coyah, the provisions of Regulation II of 1819, could not be enforced.
16—	Magistrate of Malabar.	Secretary to Government, Judicial Dept.	23rd Sept., No. 34.	Reporting on the termination of the late attempt to excite a Moplah outbreak in Malabar.
18—	Order of Government.	———	3rd October, No. 581.	The Government notice with pleasure the judicious and proper steps taken by the Magistrate, &c. and approve of the grant of rewards to the parties who evinced most forwardness in the attack on the Moplah fanatics.
19—	Magistrate of Malabar.	Secretary to Government, Judicial Dept.	17th do. No. 41.	Recommending for the reasons stated that the Tangul's brother-in-law, Syed Hoossain Coyah, may be permitted to reside at Mangalore.
20—	Remarks by the Honorable Mr. Thomas	———	———	Objecting to the recommendation being complied with.

Digitized by Google

Page.	From	To	Date and Number.	Subject.
			1853.	
21—	Political Agent at Aden.	Secretary to Government.	26th Sept., No. 455.	Reporting the arrival of the Tangul Syed Fuzil at Mocha, and his proceedings there and furnishing copy of the letter from H. B. M's Ambassador at Constantinople to his address.
22—	H. B. M's Ambassador at Constantinople.	Officer Commanding Aden.	23d April.	
22—	Minute by the Honorable the President.	——	3rd Nov.	The Magistrate of Malabar directed to order Syed Hoossain Coyah to go back to Arabia within one month from the date on which such order may be notified to him, under penalty of being dealt with as a State Prisoner, and the report of the proceedings of the Tangul at Mocha communicated to the Magistrate.
23—	Order of Government.	——	8th Nov.	
25—	Collector & Magistrate of Malabar.	Secretary to Government, Judicial Dept.	8th Oct., No. 34 B.	Submitting his opinion on Mr. Strange's report on the subject of tenants' rights and the Tenure of Family property in Malabar.
28—	Order of Government.	——	15th Nov., No. 681.	The above report furnished to the Court of Sudder Udalut.
28—	Magistrate of Malabar.	Secretary to Government Judicial Dept.	14th Nov., No. 45.	Reporting that as Syed Hoossain Coyah had proceeded to Mangalore, the Magistrate of Canara has been requested to carry out the Orders of Government in respect to him.
29—	Magistrate of Canara.	do.	17th Nov., No. 21.	Reporting his proceedings in respect to Syed Hoossain Coyah, who purposes in obedience to the Orders of Government to proceed to Arabia via Bombay.
30—	Order of Government.	——	25th Nov., No. 696.	The proceedings of the Magistrate approved; and that officer instructed to take every precaution to ensure the Syed's acting up to his intention, and to deal with him as a State Prisoner in the event of his returning to Canara.

Digitized by Google

Page.	From	To	Date and Number.	Subject.
			1853.	
30—	Magistrate of Malabar.	Secretary to Government, Judicial Dept.	19th November, No. 46.	Reporting that two other relatives of the Tangul, Syed Fuzil, named Imbitchy Coyah and Abdul Coyah are reluctant to return to Arabia, and purpose to take up their residence in the Cochin Territory, and suggesting that he or the Resident of Travancore and Cochin be authorized to deal with the individuals as State Prisoners in the event of their not returning to Arabia.
31—	Order of Government.	——	25th do. No. 698.	Orders issued accordingly to the Magistrate of Malabar, and through the Political Department to the Resident of Travancore and Cochin.
32—	Collector & Magistrate of Malabar.	Secretary to Government, Judicial Dept.	10th October No. 38.	Reporting on the provisions of the draft Acts for the suppression of fanatical outrages and for restricting the possession of Arms in Malabar.
32—	Session Judge of Tellicherry.	do.	13th do. No. 147.	
39—	Session Judge of Calicut.	do.	18th do. No. 190.	
40—	Order of Government.	——	30th Nov. No. 714.	The reports on the draft Acts in question reviewed, and the whole correspondence on the subject submitted to the Government of India for early legislation.
44—	Secretary to Govt. Judicial Dept.	Secretary to Government of India.	30th do. No. 715.	
45—	Magistrate of Canara.	Secretary to Government, Judicial Dept.	28th December.	Reporting the departure of Hoossain Coyah from Mangalore to Bombay, and his conduct while in the former town.
49—	Magistrate of Malabar.	Secretary to Government, Judicial Dept.	30th Sept., No. 34 A.	With reference to the views of Mr. Commissioner Strange as to the disposal of the property of Kalatil Keshawa Tangul murdered by the Moplahs, expresses his opinion on the subject.
51—	Minute by the Honorable the President.	——	7th Nov.	Expressing His Excellency's views as to the disposal of the property in question.

Digitized by Google

Page.	From	To	Date and Number.	Subject.
			1853.	
51—	Minute by the Honorable D. Elliot	——	24th Nov.	Expressing their views as to the disposal of the property in question.
52—	Minute by the Honorable J. F. Thomas.	——	——	
			1854.	
52—	Order of Government.	——	4th January, No. 1.	According to the recommendation of the Commissioner the property directed to be made over to the Poolery family.
53—	Magistrate of Malabar	Secretary to Government, Judicial Dept.	27th January, No. 4.	Reporting that Imbitchy Coyah and Abdul Coyah, two relatives of the Tiruvengadi Tangul, have been sent to Arabia by the Joint Magistrate of Cochin.
54—	Order of Government.	——	17th February, No. 118.	The proceedings of the Joint Magistrate approved.
54—	Extract from the Pro. of the Sudder Court.	Secretary to Government Judicial Dept.	13th February, No. 18 A.	Instructions addressed by the Court to the Judicial Authorities in the Zillahs of Calicut and Tellicherry, on the subject of tenants' rights, and the tenure of family property in Malabar.
60—	Order of Government.	——	23rd March, No. 221.	The instructions approved and the Collector of Malabar called upon to report on the suggestion of the Civil Judge of Tellicherry for remedying the want of a general system of registration in that Province.
60—	Secretary to Government of India.	Secretary to Govt. Fort St. George.	31st March, No. 414.	The observations of the Madras Government called for in respect to certain alterations introduced in the Draft Acts submitted to the Government of India "for the suppression of outrages, and restricting the possession of Arms in Malabar"—and sanction conveyed for organizing a Police corps in that Province.

Digitized by Google

Page.	From	To	Date and Number.	Subject.
			1854.	
62—	Order of Government.	———	16th May, No. 352.	Early measures directed to be taken for the organization of the Police Corps, and the observations of Government on certain alterations in the Draft Acts communicated to the Government of India.
63—	Secretary to Govt. Judicial Dept.	Secretary to Government of India.	16th May, No. 353.	
64—	Order of Government.	———	28th Nov., No. 862.	The Acts in question having been passed, instructions given for their enforcement in Malabar.
66—	do.	———	2nd Dec., No. 870.	The Magistrate called upon to state whether the two Acts should be circulated at once, and simultaneously.
67—	Magistrate of Malabar.	Secretary to Government, Judicial Dept.	4th Dec., No. 38.	Reporting the steps taken for the circulation of the Acts on their promulgation in the Fort St. George Gazette, and that he sees no difficulty in carrying out Act XXIV. of 1854 for restricting the possession of Arms &c.
68—	Order of Government.	———	15th do. No. 911.	The Government are gratified to learn that there will be no difficulty in carrying out the Act, and give certain instructions in reference thereto.
68—	Magistrate of Malabar.	Secretary to Government, Judicial Dept.	28th December, No. 45.	Reports the result of his tour into the Talooks of the District for the purpose of enforcing Act XXIV of 1854.
70—	Order of Government.	———	9th January, No. 23.	The steps taken by the Magistrate approved, and that officer called upon to report whether by proclamation he has appointed the day within which the war knives are to be delivered, in order to enforce the provisions of Sec II of the Act XXIV of 1854.

Digitized by Google

Digitized by Google

CORRESPONDENCE ON MOPLAH OUTRAGES IN MALABAR.

1855.

TABLE OF CONTENTS.

Page.	From	To	Date and Number.	Subject.
			1855.	
73—	Magistrate of Malabar.	Secretary to Government, Judicial Dept.	15th January, No. 1.	Reporting that the 31st January had been fixed by proclamation as the day within which war knives were to be given up, under Act XXIV of 1854.
73—	Do.	Do.	20th February, No. 7.	Reporting the number of war knives brought in by the 31st January 1862.
76—	Order of Government.	———	9th March, No. 182.	The acknowledgments of Government conveyed to the Magistrate for successfully carrying out the provisions of Act XXIV of 1854, and sanction granted to the expenses incurred.
76—	Assistant Collector of Malabar.	Chief Secretary to Govt. Ootacumund.	12th Sept. No.	Reporting the cruel murder of Mr. Conolly, the Collector and Magistrate, on the previous night.
77—	Chief Secretary to Government Ootacamund.	Officer incharge of the Malabar District.	15th Sept.	Immediate steps directed to be taken for the apprehension of the assassins, such steps being from time to time reported to Government.
77—	Do.	Secre. to Govt. Madras.	15th Sept.	Forwarding copies of the report of Mr. Conolly's murder, and the order thereupon issued under direction of the Governor.
78—	Civil Surgeon Malabar.	Chief Secretary to Govt., Ootacamund.	12th Sept. No. 178.	Reporting the death of Mr. Conolly from the wounds inflicted upon him by a body of assassins.
78—	C. Collett, Esq. Palghat.	T. Pycroft, Esq. Ootacamund.	13th Sept.	Reporting that he has received information of Mr. Conolly's murder, and that he purposes to proceed at once to Calicut.
79—	Assistant Magistrate Malabar.	Chief Secretary to Government Ootacamund.	14th Sept.	Communicating certain particulars connected with the murder of Mr. Conolly.

Digitized by Google

Page.	From	To	Date and Number.	Subject.
			1855.	
81—	C. Collett, Esq.	T. Pycroft, Esq.	14th Sept.	Reporting his proceedings for the apprehension of the insurgents and the protection of the country.
83—	Do.	Do.	15th do.	
84—	T. Pycroft, Esq.	C. Collett, Esq.	17th do.	Instructions given as to securing the insurgents, and Mr. Collett's opinion called for in respect to those parts of the District of Malabar which he may consider desirable to be brought under the operation of Act XXIII of 1854.
85—	The Private Secretary.	Do.	17th do.	The necessity of issuing a proclamation under the Act stated, and a reward of Rs. 5,000 ordered to be offered for each one of the assassins delivered alive.
86—	C. Collett, Esq.	T. Pycroft, Esq.	16th September.	Reporting his proceedings and the necessity of his staying at Munjery instead of at Calicut, which he would leave to the charge of Mr. Tod.
88—	Do.	G.B. Tod, Esq.	16th do.	
89—	Do.	T. Pycroft, Esq.	16th do.	Communicating the receipt of information of the assassins five in number, having been seen in a jungle near Munjery.
90—	Minute by the Right Honorable the President.	——	17th do.	Directing that the entire District of Malabar be declared subject to the operation of Act XXIII of 1854, and a reward of 5,000 Rupees offered for each of the assassins brought in alive.
91—	Order of Government.	——	17th do.	
92—	Joint Magistrate.	Secretary to Government.	17th do.	Reporting the destruction of the 5 assassins at Morar near Munjery.
93—	Major G. T. Haly, Commandant Malabar Police Corps	Adjutant General of the Army.	do.	
93—	C. Collett, Esq.	T. Pycroft, Esq.	19th do.	
95—	Chief Secretary to Govt.	Joint Magistrate in charge of the District of Malabar.	19th Sept., No. 4.	The Joint Magistrate's proceedings approved, and instructions given for making enquiries into the causes of Mr. Conolly's murder.

Digitized by Google

Page.	From	To	Date and Number.	Subject.
			1855.	
96—	Major General M. Cubbon.	———	21st Sept.	A party of the Mysore Horse placed at the disposal of the Joint Magistrate of Malabar for service in case of emergency.
			1852.	
96—	Mr. H. Conolly.	Major General Cubbon.	13th Feb.	
97—	Major General Cubbon.	Mr. H. Conolly.	16th do.	
			1855.	
97—	———	T. Clarke, Esq.	24th Sept.	Intimating his appointment as Collector and Magistrate of Malabar.
98—	C. Collett, Esq.	T. Pycroft, Esq.	24th do.	Bringing to notice the apathetic indifference of the wealthy and leading Moplahs, and suggesting measures for the prevention of the recurrence of similar outrages for the future.
101—	Do.	Do.	27th do.	Explaining the inexpediency of burning the bodies of the assassins, as suggested by Government and the probable consequences of such a proceeding.
103—	T. Pycroft, Esq.	C. Collett, Esq.	28th do.	Further instructions for tracing the movement of the late assassins, and for the detection of all concerned in the outrage.
103—	Joint Magistrate of Malabar in charge.	Chief Secretary to Government	21st do.	A detailed report of the occurrences from the 11th to the 17th September 1855.
114—	Minute by the Right Honorable the President.	———	———	The acknowledgment of Government conveyed to the Officers and individuals concerned in the destruction of the assassins and further instructions given as to the punishment of those who had assisted the criminals.
115—	Do. by the Honorable Sir H. C. Montgomery Bt.	———	1st October.	
115—	Order of Government.	———	3rd October. No 716.	
118—	Government Pleader.	Secretary to Government.	5th October.	His opinion as to the powers vested in the Governor in Council under Sec. 4 of Act XXIII of 1854.

Digitized by Google

Page.	From	To	Date and Number.	Subject.
118—	Order of Government.	———	1855. 9th October.	Communicated to the Joint Magistrate of Malabar in charge.
119—	Joint Magistrate of Malabar in Charge	Chief Secretary to Government.	29th Sept.	Reporting his proceedings in prosecuting the enquiry into the causes of Mr. Conolly's murder, and the progress made by him.
125—	Order of Government.	———	3rd October.	The report reviewed; and the discovery of the motives, agent and instigators of the foul deed urged upon the attention of the Joint Magistrate.
127—	Joint Magistrate of Malabar in charge.	Secretary to Government, Judicial Dept.	8th October. No. 46.	Reporting the burning of the corpses of the 5 assassins.
129—	Magistrate of Malabar.	Chief Secretary to Government.	26th Oct. No 53.	The question raised by the Courtof FouzdarryUdalut as to the legality of enforcing the provisions of Act XXIII of 1854 by confiscating the property of the murderers and their instigators submitted to Government.
	Joint Magistrate of Malabar.	To the Magistrate of Malabar.	23rd Oct.	
132—	Order of Government.	———	10th Nov.	The opinion of the Government Pleader on the subject called for.
134—	Magistrate of Malabar.	Secretary to Government, Judicial Dept.	23rd Oct. No. 51.	Further report from Mr. Collett giving details of the progress of his enquiries on the subject of the murder of the late Mr. Conolly.
137—	Joint Magistrate of Malabar.	Magistrate of Malabar.	20th Oct. No. 281.	
142—	Order of Government.	———	27th Nov. No. 862.	The report reviewed.
144—	The Government Pleader	Chief Secretary to Government	16th Nov.	Submitting his opinion on the legality of enforcing the provisions of Act XXIII of 1854 against parties suspected of complicity with the assassins of the late Mr. Conolly.
147—	Order of Government.	———	28th Nov. No. 869.	The Govt. Pleader called upon again to report whether the parties referred to cannot be dealt with as state prisoners.

Digitized by Google

Page.	From	To	Date and Number.	Subject.
			1855.	
148—	Magistrate of Malabar.	Chief Secretary to Government.	21st Nov. No. 62.	A warning stated in the "*Friend of India*" to have been addressed by Captain Haines from Aden to Mr. Conolly that his life has been conspired against brought to the notice of Government.
149—	Joint Magistrate of Malabar.	Magistrate of Malabar.	19th Nov. No. 326.	
150—	Magistrate of Canara.	Magistrate of Malabar.	9th Nov. No. 2.	Intimates the detention of one Syed Abdool Rayman Hydrosse found in Canara.
151—	Additional Joint Magistrate of Canara.	Acting Magistrate of Canara.	3rd Nov.	
166—	———	Secretary to Government of Bombay.	8th Dec. No. 924.	Enquiry made of the warning said to have been given by Captain Haines from Aden of the conspiracy against Mr. Conolly's life.
167—	Government Pleader.	Chief Secretary to Government.	1st Oct.	Reporting upon the question put to him whether the parties suspected of complicity with the assassins of the late Mr. Conolly cannot be dealt with as State Prisoners.
168—	Minute by the Honorable Sir H. C. Montgomery Bt.	———	7th Dec.	Does not concur in the opinion of the Govt. Pleader and the views of the Sudder Court.
170—	Order of Government.	———	8th Dec. No. 925.	The course to be adopted in regard to the parties referred to laid down.
172—	Chief Secy.	Secretary to Government of India.	22nd Dec. No. 959.	A reference made to the Government of India on the question of the applicability of Act XXIII of 1854 to the province of Malabar under the circumstances connected with the murder of the late Mr. Conolly.
175—	Secretary to Government of Bombay.	Chief Secretary to Government Madras.	21st Dec. No. 5323.	Intimating the result of the enquiry made of Captain Haines, on the subject of the warning said to have been conveyed by him to the late Mr. Conolly of the conspiracy against his life.
176—	Senior Magistrate of Police Bombay.	Secretary to Government of Bombay No. 511.	21st Dec. No. 511.	

Digitized by Google

Page.	From	To	Date and Number.	Subject.
177—	Secretary to Government of Bombay.	Chief Secretary to Government Bombay.	1855. 29th Dec. No. 5395.	Intimating the result of the enquiry made of Captain Haines on the subject of the warning said to have been conveyed by him to the late Mr. Conolly of the conspiracy against his life.
178—	Senior Magistrate of Police Bombay.	Secretary to Government of Bombay.	22nd do. No. 514.	
183—	———	Order of Government.	1856-1859. 11th January.	The opinion of the Government Pleader called for as to whether the force and effect of the Proclamation of September 1855, is to subject the province of Malabar to all the provisions of Act XXIII of 1854, so that all offences cognizable by the Act may be dealt with under it without reference to the consideration whether such offences may or may not be connected with the murder of the late Mr. Conolly.
183—	Magistrate of Malabar.	Chief Secretary to Government.	1855. 28th Dec. No. 55.	Report of the progress made in the enquiry into the cause of the assassination of the late Collector of the complicity of the Moplahs with the criminals; and of measures to be taken for the punishment of all concerned under Act XXIII of 1854, so that the recurrence of such a state of things may be prevented.
189—	Joint Magistrate of do	Magistrate of Malabar.	15th Dec. No. 370.	
196—	Magistrate of Malabar.	Head of Police Calicut.	1854. Dec. No. 40.	
197—	Do.	Do of Cootnad.	30th Dec. No. 46.	
197—	Magistrate of Malabar.	Chief Secretary to Government.	1856. 3rd January, No. 2.	
198—	Joint Magistrate of Malabar.	Magistrate of Malabar.	1855. 31st Dec. No. 382.	
199—	Minute by the Right Honorable the President.	———	1856. 14th Jany.	The foregoing reports forwarded to the Government of India, and to the member of the Legislative Council for Madras, with a request that legislation may be resorted to so as to bring under the operation of Act XXIII of 1854 events which had taken place before the Proclamation.

Digitized by Google

Page.	From	To	Date and Number.	Subject.
201—	Do by the Honorable W. Elliot.	——	1856. 14th Jan.	The foregoing reports forwarded to the Government of India, and to the member of the Legislative Council for Madras, with a request that legislation may be resorted to so as to bring under the operation of Act XXIII of 1854 events which had taken place before the Proclamation.
202—	Do by the Hon. Sir H. C. Montgomery, Bt.	——	——	
202—	Order of Government.	——	14th Jany. No. 56.	
203—	Chief Secretary to Government.	Government of India.	14th Jany. No. 37.	
204—	Do.	Member of the Legislative Council of India for Madras.	14th Jany. No. 33.	
205—	Government Pleader.	Chief Secretary to Government.	14th January.	Gives his opinion that the Proclamation of September 1855 subjects all offences of a nature cognizable by Act XXIII. of 1854 to the operation of that Act whether such offences may or may not be connected with the murder of the late Mr. Conolly.
206—	Secretary to the Government of India	Chief Secretary to Govt. Fort George.	18th January, No. 143.	The report of the proceedings of the Madras Government on the introduction of the provisions of Act XXIII of 1854 in Malabar acknowledged.
207—	Do. of Bombay.	do.	29th Jany. No. 239.	The report of the Political Resident at Arabia that the warning said to have been addressed by Capt. Haines to the late Mr. Conolly relative to the conspiracy against his life, cannot be traced in their Residency records.
207—	Acting Political Resident and Commandant Aden.	Secretary to the Government of Bombay	12th Jany. No. 6	
208—	Order of Government.	——	14th Feb. No. 152.	The above report communicated to the Magistrate of Malabar.
208—	Magistrate of Malabar.	Chief Secretary to Government.	11th Jany. No. 4	Report from the Joint Magistrate of Malabar giving a review of the evidence procured relative to the movement of the Convicts who murdered the late Mr. Conolly submitted to Government.
208—	Joint Magistrate of Malabar.	Magistrate of Malabar.	7th Jany.	

Digitized by Google

Date.	From	To	Date and Number.	Subject.
258—	Minute by the Rt. Hon. the Prest.	———	1856. 18th Jany.	
263—	Do. by the Honorable Sir H. C. Montgomery Bt.	———	19th Jany.	The report reviewed and instructions given to the Magistrate relative to the further prosecution of their enquiries.
263—	Do. by the Honorable W. Elliot.	———	24th Jany.	
269—	Order of Government.	———	28th Jany. No. 85.	
273—	From the Government of India.	Chief Secretary to Government Fort St. George.	18th Feb. No. 166.	Intimation received from the Government of India that a Bill will be introduced into the Legislative Council to give operation to the provisions of Act XXIII of 1854 from the time when it was first published throughout the District of Malabar and the Magistrate instructed to proceed with his enquiries so that no time may be lost in taking advantage of the Bill on its becoming law.
277—	Chief Secretary to Government. Fort St. George.	Magistrate of Malabar.	18th Feb. No. 166.	
277—	Secretary to Government of India.	Chief Secretary to Government Fort St. George.	22nd Feb. No. 272.	Forwarding a copy of the Bill (Act V of 1856) above referred to as passed by the Legislative Council.
279—	Order of Government.	———	28th Feb. No. 197.	A copy of the Act No. V of 1856 forwarded to the Magistrate of Malabar with instructions to lay before Government a report respecting the course to be pursued towards the several parties charged with or suspected of complicity in the murder of the late Mr. Conolly.
279—	Magistrate of Malabar.	Chief Secretary to Government.	29th February, No. 10 A.	Forwarding the evidence taken before the Joint Magistrate in the cases connected with the countenance and assistance afforded to the murderers of the late Mr. Conolly, and recommending the course to be followed in respect to the parties concerned.
88—	Joint Magistrate of Malabar.	Magistrate of Malabar.	14th February No. 59.	

Digitized by Google

Page.	From	To	Date and Number.	Subject.
			1856	
299—	Minute by the Right Honorable the President.	———	14th March	The report on the record of evidence in the several cases reviewed, and the punishment to be inflicted on the parties concerned determined.
303—	Do. by the Honorable Sir H. C. Montgomery Bt.	———	31st „	
310—	Do. by the Honorable W. Elliot.	———	14th April.	
322—	Order of Government.	———	25th April, No. 424.	
342—	Chief Secretary to Government, Fort St. George.	Magistrate of Malabar.	16th April.	Instructions to the Magistrate of Malabar as to the removal of the Moplahs whom it has been determined to deport to other provinces.
343—	ChiefSecy.	Magistrate of Nellore, &c.	19th April, No 394.	Instructions relative to the reception of the deported Moplahs into the Jails in which they have been directed to be confined.
344—		Session Judge of Nellore, &c.	19th April, No. 395.	
345—	Magistrate of Malabar.	Chief Secretary to Government, Fort St. George.	22nd April, No. 37.	Reporting the removal of the deported Moplahs on Board the Steamer *Assaye*.
346—	Joint Magistrate of Malabar.	Do.	8th May,	Reporting the landing of the deported Moplahs at the several places directed by Government.
347—	Secretary to the Government of Bombay.	Chief Secretary to Government Fort St. George.	3rd April, No. 1512.	Reporting that nothing can be traced on the records of the Political Resident respecting the warning said to have been addressed to the late Mr. Conolly, anent the attempt against his life.
348—	Political Resident and Commandant, Aden.	Secretary to Government of Bombay.	16th March, No. 42.	
343—	Order of Government.	———	18th April, No. 388.	The above report communicated to the Magistrate of Malabar.

Digitized by Google

Page.	From	To	Date and Number.	Subject.
			1856.	
348—	Magistrate of Malabar.	Chief Secretary to Government.	20th May, No. 592.	Reporting further on the proceedings which he has already taken, and which he proposes to take towards carrying out the orders of Government in respect to the Moplahs, charged with complicity in the murder of the late Mr. Conolly.
353—	Order of Government.	———	4th June, No. 592.	The proceedings of the Magistrate approved, and further instructions given relative to the mode in which the fines assessed upon the Moplahs ought to be levied.
355—	Magistrate of Malabar.	Chief Secretary to Government.	25th June, No. 55.	Report of the progress made in the collection of the fines in the Vallavanaad talook.
360—	Order of Government.	———	10th July, No. 736.	The Magistrate's proceedings approved.
361—	Magistrate of Malabar.	Chief Secretary to Government.	6th July, No. 591.	Reports of the progress made in the assessment and collection of fines imposed upon the Moplahs in the Betutnaad, Shernaad, Calicut, and Cooroombrenaad talooks.
367—	do.	do.	16th July, No. 65.	
368—	Order of Government.	———	12th August, No. 854.	The reports reviewed—the Magistrate's proceedings approved, and the remissness of certain subordinates in the discharge of their duties, noticed with displeasure.
370—	Magistrate of Malabar.	Chief Secretary to Government.	2nd October, No. 94.	Further report on the property attached as belonging to the deported Moplahs, and on the charges incurred consequent on the enquiries instituted in the matter of the assassination of the late Mr. Conolly.
380—	Order of Government.	———	25th October,	The disbursements made by the Magistrate sanctioned, and instructions given relative to the disposal of the property of the deported Moplahs.

Digitized by Google

Page.	From	To	Date and Number.	Subject.
			1856.	
383 -	Minute by the Honorable Sir H. C. Montgomery Bt.	————	8th Aug.	A portion of the fines levied on the Moplah Umshoms proposed to be appropriated for the benefit of the family of the late Mr. Conolly.
384—	Do. by the Right Honorable the President.	————	11th Aug.	
385—	Secretary to the Government of India.	Chief Secretary to the Government of Madras.	26th Sept. No. 4,985.	Requesting to be informed when and for what Syed Fuzil Tangul was expelled from India, and in what manner he is connected with the assassination of the late Mr. Conolly.
386—	Chief Secretary to Government, Madras.	Secretary to the Government of India.	29th Oct. No. 1,175.	The information furnished.
386—	Acting Magistrate of Malabar.	Chief Secretary to Government, Madras.	18th Nov. No. 1,754.	Report of the influence that Syed Fuzil exercises in Arabia and over the Moplah population of Malabar.
389—	Chief Secretary to Government, Madras.	Secretary to the Government of India.	25th Nov. No. 1,279.	The report forwarded to the Government of India, and their special attention requested to the recommendation of the Magistrate relative to the removal of Syed Fuzil from the Arabian Coast.
389—	Secretary to Government of India.	Chief Secretary to Government.	5th Dec. No. 5,998.	Intimating that the whole correspondence relative to Syed Fuzil has been submitted to the Honorable the Court of Directors.
390—	Minute by the Right Honorable the President.	————	31st Dec.	Report of the career of Syed Fuzil Tangul in Arabia laid before Government.
390—	Stephen Page Esq.,	R. L. Playfair, Esq., Assistant Political Agent, Aden.	31st Oct. No. 40.	

Page.	From	To	Date and Number.	Subject.
392—	Chief Secretary to Government, Madras.	Secretary to Government of Bombay.	1857 5th Dec.	Copies of the above report furnished to the Governments of Bombay and India.
392—	do.	do. India.	do.	
393—	Acting Magistrate of Malabar.	Chief Secretary to Government, Madras.	17th Sept.	Report of the completion of the arrangements for the levy of the fines imposed upon the Moplahs implicated in the assassination of the late Mr. Conolly.
397—	do.	do.	22nd Sept.	The good services rendered by Munjoo Camooty brought to notice, and he recommended to be allowed to retire on one-half of his salary of 100 Rupees.
399—	Munjoo Camooty, Head Moonshee Collector's Office, Malabar.	Ag. Collector and Magistrate of Malabar.	10th Aug.	
400—	Order of Government	——	5th October, No. 1257.	Instructions relative to the disposal of the fines levied.
402—	do.	do.	1858. 7th May, No. 61.	Orders respecting the management of the property of certain Moplahs under attachment—and respecting Munjoo Camooty.
403—	Magistrate of Malabar.	Chief Secretary to Government.	1859. 20th Jany. No. 4.	Submitting the expediency of continuing in force Act XXIII of 1854 for a further period of 5 years in Malabar.
404—	Order of Government.	——	28th Jany. No. 120.	The question referred for the report of the local Judicial Officers in the district, and their opinion called for in respect to any modifications which the Act may require.
404—	Session Judge of Tellicherry.	Chief Secretary to Government.	4th Feb. No. 15.	Report on the modifications &c., to be made in the Act, in question.
407—	Do. of Calicut.	do.	4th Feb. No. 19.	
408—	Sub Judge of Calicut.	do.	4th Feb, No. 18.	
409—	Magistrate of Malabar.	do.	9th Feb. No. 8.	

Page.	From	To	Date and Number.	Subject.
			1859.	
411—	Chief Secretary to Government.	Member for Madras of the Legislative Council.	21st March. No. 377.	The above reports forwarded to him with a request to introduce into the Legislative Council a Bill embodying the provisions of Act XXIII of 1854, and V of 1856, with certain additions suggested.
413—	From the Member for Madras of the Legislative Council.	Chief Secretary to Government.	4th May.	Reports the introduction of the Bill into Council, and the discussion raised upon it.
414—	Minute by the Honorable W. Elliot.	———	31st May.	
415—	Do. by the Honorable W. A. Morehead.	———	31st May.	
415—	Do. by the Honorable the President.	———	6th June.	The observations of Government on certain points in the Bill objected to, communicated to the Madras Member of the Legislative Council.
416—	Chief Secretary to Government.	Member for Madras of the Legislative Council.	16th June, No. 831.	
419—	Order of Government.	———	28th October.	Issuing a Proclamation, bringing the Province of Malabar under the operation of Act XX of 1859 (the New Act passed by the Legislature.)

Digitized by Google

Digitized by Google

JUDDAH, 1st *May* 1853.

From C. J. D. COLE, Esq.,

Her Britannic Majesty's Vice Consul, and Honorable Company's Agent, Juddah.

To T. PYCROFT, Esq.,

Secretary to the Government of Fort Saint George.

SIR,—On arriving at Aden (28th March last) from Egypt *en route* for my post, I had the honor of receiving your letter, No. 831, dated 24th December 1852.

I arrived here, on the 24th ultimo, in the Honorable Company's Sloop of War Elphinstone, and immediately instituted inquiries regarding the Tangul Syed Fuzil, and learnt that he had left Arabia some time since for Constantinople, but that his family and followers were still in the Hedjaz, and to whom I will take measures to make known the purport of your despatch for his information.

ORDER

No. 351.

Ordered that the above letter be communicated for the information of the Magistrate of Malabar.

FORT SAINT GEORGE,
17*th June* 1853.

(Signed) T. PYCROFT,
Secretary to Government.

TO THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL *of Fort Saint George.*

The humble petition of Colatoor Shoolapany, alias Mootha Variyer, inhabitant of Colatoor Umshom and Deshom in Walloowanad Talook, Zillah, Calicut.

SHOWETH,—1. That in laying before your Excellency in Council, the particulars of his most deplorable case, Petitioner confidently hopes that your Excellency will not fail to afford him such protection as he

Digitized by Google

stands in need of for the preservation of his and his relatives' lives and property.

2. That on the Saturday morning, the 8th Chingam 1026, a gang of Moplahs armed with weapons entered into Petitioner's house, and having murdered his uncle Shoolapany Variyer, plundered all the moveable property that was found in the house, burned documents connected with the landed property of considerable value, broke in pieces the images of the pagoda belonging to Petitioner, slaughtered a number of cows there, and committed many acts of violence which Petitioner has neither seen nor heard of.

3. That though a few "Moplahs" of the gang died by the shot of soldiers that arrived on the spot, yet, strange to say, that one Moogary and nine others who were the ringleaders of the gang have been set at liberty by the local authorities—a procedure which militates against law and justice, and subjects Petitioner to an unspeakable grievance.

4. That these individuals are well known in the province of "Malabar" to be the disturbers of public peace; and the Magistrate also having strong suspicion upon them, took security from them for their future good conduct.

5. That whilst Petitioner considers the injury and the loss of a valuable life and property he sustained at the hands of those malefactors, he deeply regrets to observe that a mere security was the punishment pronounced against them for such an atrocious crime as the one complained of; and that the act of their having been left with impunity without trial, or without affording Petitioner an opportunity of establishing the crime against them, has encouraged them to threaten Petitioner's life and the lives of his relatives.

6. That being apprehensive of such an imminent danger, and having failed to obtain necessary aid and support from the local authorities, Petitioner left his native country for Madras to represent his case to your Excellency in Council, with the hope of obtaining redress.

7. That Petitioner feels it very painful, though the matter of fact forces him, to state that some native functionaries in the Province have hand and share in this affair, as they usually have in similar affairs; and that the influence they possess with their immediate superior in office is so powerful that the injured parties would never venture to bring their official misconduct to his notice.

Digitized by Google

8. That Petitioner is a proprietor of considerable landed property paying annually a revenue of Rupees 15,000 to the Government, and that all the documents connected therewith have been burnt by the Moplahs.

9. That in order to avoid any disputes which may probably arise regarding the said property, from the circumstance of Petitioner having been deprived of the said documents, the local authorities should have, by a reference to the public records, passed such orders as would avoid all such disputes in future.

10. That as specified in the list produced before the Assistant Magistrate, the Moplahs plundered and carried away from Petitioner's house, Rupees 1,500 and odd worth of articles, including certain sums of money in cash which was reserved for the payment of revenue.

11. That it is just and reasonable under such circumstances, that the estates of the Moplahs should be confiscated and sold, and that the proceeds of the sale applied towards the reccovery of the loss sustained by Petitioner as above adverted to.

12. That Petitioner was lead to believe that the motive which actuated the Collector of Malabar to order an attachment of the estates of the Moplahs was the same as set forth in the preceding 11th paragraph; but Petitioner regrets to observe that such an important measure was not carried into effect, and he is at a loss to know the cause of it.

13. That as the money reserved for the payment of revenue was plundered, and as the Petitioner sustained a great pecuniary loss as shown above, and also as he has been constrained to employ a number of persons at his own salary to watch over his family, he found it very hard to raise the requisite sum of money for the payment of revenue due for the year 1027, and requested therefore the Collector to postpone the demand thereof in consideration of the loss he sustained; but Petitioner regrets to state that that authority did not comply with his request, but only allowed him a remission of 230 Rupees from the revenue payable in that year, and ordered that the balance, if not paid soon, would be collected according to the rules of Government, which order is herewith submitted for the perusal of your Excellency in Council.

14. That Petitioner deeply regrets to observe that he and his relatives have been much forsaken from the patronage of the Government in the affair, as your Excellency in Council would be convinced on

Digitized by Google

consideration of the following circumstances, viz., an innocent man was cruelly murdered, his property plundered, his heirs are oppressed, and their lives are threatened. No redress whatever has been afforded to these grievances, nor any necessary measures adopted for the preservation of Petitioner's and his relatives' lives; whereas the Collector on the one hand, and his subordinates on the other, press Petitioner with the demand of revenue.

15. That Petitioner is not at all unwilling to pay revenue due to the Government, but all that he wishes to be done by them is that an order should be passed for the recovery from the estate of the Moplahs or otherwise of the loss he sustained, and that some necessary measures may be adopted for the preservation of the life of Petitioner and those of his relatives from the future oppression and tyranny of Moplahs.

16. That Petitioner has been made aware by the local authorities of that part of the Order of Government (dated 18th January 1853), in which your Excellency in Council observes, that the dispute between the Petitioner and the Moplahs, in connection with a mosque, should be settled as recommended by the Magistrate of Malabar; but Petitioner begs to acquaint your Excellency in Council with the circumstances which precludes Petitioner from acting according to the recommendation of the Magistrate; for the spot of ground where the Moplahs wish to build a mosque is situated close to the pagoda belonging to the Petitioner; that consequently, instead of having peace, quarrels and disputes, will always take place between the two parties, being of two different religions; that to avoid such things, it is advisable for them that the mosque should be built at a distance from the pagoda which is in existence from long time, and as for a spot of ground for building the mosque, Petitioner is willing to grant it in any other locality; that on consideration of this circumstance it will be evident to your Excellency that Petitioner's proposal is just and reasonable.

17. That Petitioner brought the foregoing circumstances to the notice of the local authorities and to that of the Special Commissioner appointed for the purpose, but Petitioner regrets to say that none of them took notice of the hardship of his case.

18. That Petitioner, therefore, most humbly prays, your Excellency in Council will be graciously pleased to take into his favorable consideration this case, and issue necessary orders having the effect of recovering the loss sustained by the Petitioner as stated above, of

Digitized by Google

adopting measures to relieve Petitioner and his relatives from the fear of future oppression and tyranny of Moplahs, of postponing till then the demand of revenue, and of thus affording redress to the Petitioner.

For which act of justice, Petitioner as in duty bound, shall ever pray.

Your Excellency's most obedient
and humble Petitioner.

MADRAS, *2nd August* 1853.

To H. V. CONOLLY, Esq.,
Collector of Malabar.

The petition of Colatoor Shoolapany, *alias* Mootha Vairyer, inhabitant of Colatoor Umshom and Deshom in Walloowanad Talook.

I have not received an order on my petition presented to your honor on the 1st Verchigom 1027, praying for redress to the grievance under which I labour, in consequence of Moplahs having entered into my house and committed acts of violence.

I was told that an order is passed to the effect that in the sum of revenue due by me to the Circar for the year 1027, a remission of 234 Rupees has been made, that the balance, after deducting this amount, should be made good by two years, and that I should therefore conform to the said order.

I presented a petition to your honor on the 28th Verchigom 1028, requesting to furnish me with an order for the said petition, dated 1st Verchigom, I therefore pray that an attested copy thereof may be furnished to me.

(Signed) SHOOLAPANY VARIYER.

27th Dhanoo 1028.

ORDER.

Miscellaneous Petition, No. 2,677.

According to the circumstance of the loss sustained by the Petitioner from the acts of violence committed by the insurgents in the house of the Petitioner, a remission of 230 Rupees has been made of the revenue due for the year 1027. The balance of that amount should be paid.

Digitized by Google

A greater remuneration than the said sum cannot be made from the revenue due to the Government, as there appears no reason to do so. If a few days time be required for the payment of the balance of revenue, the same will be granted by the Assistant Collector on application. Should the payment of revenue be further delayed, the same will be collected according to the rules. Ayadast (Order) is forwarded this day to the said Officer on the subject.

Calicut, *7th April* 1852.

Judicial Department.

Extract from the Minutes of Consultation, under date the 25th August 1853, *No.* 488 A.

Read the following petition from Colatoor Shoolapany, *alias* Mootha Variyer, inhabitant of Colatoor Umshom and Deshom in
No. 1. Walloowanad Talook in the Zillah of Calicut.

(Here enter 2nd August 1853.)

Ordered that the following endorsement be made and communicated to the above Petitioner.

"The Right Honorable the Governor in Council deeply regrets the injuries which Petitioner and his family have sustained at
No. 2. the hands of the Moplahs. Every endeavour has been made by the District authorities for the detection and punishment of the persons implicated in those atrocities, and for the prevention of such outrages in future, and due consideration for the losses which he has suffered in his property has been shown to the Petitioner by the Collector in determining the remissions of the public revenue to be allowed him. The law does not authorize the Government taking the steps referred to in paragraph 11 of the petition."

"The Governor in Council regrets, that Petitioner should object to the arrangement respecting the mosque ground which the Magistrate was authorized by Extract Minutes of Consultation, 18th January last, to aid in effecting. The information before Government induces them to believe that this settlement would have been to the advantage of all parties. But it is open to Petitioner to decline it and to await the result of the suit now pending in the District Moonsiff's Court if he see fit."

(Signed) T. PYCROFT,
Secretary to Government.

Digitized by Google

No. 9.

JUDDAH, *29th June* 1853.

From CHARLES J. D. COLE, Esq., I. N.,
Her Britannic Majesty's Vice Consul, and
East India Company's Agent, Juddah.

To T. PYCROFT, Esq.,
Secretary to Government, Judicial Department,
Fort Saint George.

SIR,—1. I have the honor to inform you that the Tangul Syed Fuzil arrived here from Constantinople about ten days ago, and hearing that he was making preparation for returning to India, I addressd a note to him, intimating that the intention of Government in respect to him had undergone no change, and that he was not to return to India without express permission.

2. In reply I received a letter from Syed Fuzil setting forth that on the application of the Sublime Porte, our Ambassador at Constantinople had furnished him with the necessary authority for returning to India, and that accordingly he intended to proceed thither.

3. On the receipt of this communication, knowing that no such authority, under the circumstances, could have been given by the Ambassador, I addressed a second note to Syed Fuzil, distinctly informing him that without an order from his Excellency the Governor of Madras, I could not permit him to embark from this port for India.

4. The Tangul is evidently very restive under this prohibition, and utterly repudiates having entered into any compact with the Government respecting his return to India, which country he asserts, he merely left for the purpose of performing a pilgrimage; and I should not be at all surprised at his making his way to Aden by land, and embarking from thence for India, unless the Political Agent at that place, has received instructions concerning him.

5. Syed Fuzil is in possession of two letters from our Ambassador, one addressed to the Governor of Bombay "and the other to the Officer Commanding at Aden," but as these letters are *private*, and no doubt given in ignorance of the position in which Syed Fuzil is placed, I trust that I have not erred in considering that these letters did not in any manner whatever invalidate the instructions conveyed to me in your letter, No. 831 of the 24th December 1852.

Digitized by Google

Extract from the Minutes of Consultation, under date 10th September 1853, *No.* 520 *A.*

Read the following letter from C. J. D. COLE, Esq., I. N., Her
No. 4. Britannic Majesty's Vice Consul, and East India Company's Agent, Juddah.

(Here enter 29th June 1853, No. 9.)

1. Ordered that copy of the above letter, of the reply to it, and of the communications addressed to the Political Agent at
No. 5. Aden and to the Bombay Government, be furnished to the Magistrates of Malabar and Canara.

2. In the event of the Tangul Syed Fuzil making his appearance either in Malabar or Canara, the Magistrate will apprehend him as a State prisoner, under Regulation II. of 1819, and will cause him to be lodged in any jail within his District, or should he deem such a measure advisable, will send him under a sufficient escort to any jail in any other District, reporting his proceedings immediately for the orders of Government.

3. Warrants of commitment in the form prescribed by the Regulation for the confinement of Syed Fazil will be furnished to the Magistrates for use if necessary. The name of the place in which that party is to be confined will be left blank, that the Magistrate may fill it up according to circumstances. Copy of the warrant should be sent with Syed Fuzil, and should be deposited with the Officer who may have charge of the jail in which he is lodged.

Ordered that the following letters be despatched.

To Her Britannic Majesty's Vice Consul, and East India Company's Agent, Juddah.	(Here enter 10th September 1853, No. 521.)
To the Political Agent at Aden.	(Here enter 10th September 1853, No. 523.)
To the Secretary to Government of Bombay.	(Here enter 10th September 1853, No. 522.)

FORT ST. GEORGE,
10th September 1853.

(Signed) T. PYCROFT,
Secretary to Government.

Digitized by Google

No. 521.

JUDICIAL DEPARTMENT.

To C. J. D. COLE, Esq., I. N.,

Her Britannic Majesty's Vice Consul, and
East India Company's Agent, Juddah.

SIR,—1. I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your letter of 29th June 1853, on the subject of the Tangul Syed Fazil, and to convey to you in reply the thanks of this Government for the measures which you have taken for the detention of that individual.

2. It is obvious that no authority for the return of the Tangul to India can have been given by the British Ambassador at Constantinople, and that any letters which Syed Fazil may have received from that functionary must have been furnished to him in ignorance of his real character and position, and of the circumstances under which he quitted Malabar. I have to request that you will use every endeavour to prevent his departure from Arabia, and will distinctly apprize him that in the event of his contriving to evade your precautions, and again presenting himself in this country, he will be dealt with under the provisions of Regulation II. of 1819 of the Madras Code, and confined as a State prisoner in some jail or other place of imprisonment at a great distance from the District of Malabar.

FORT ST. GEORGE,
10th September 1853.

(Signed) T. PYCROFT,
Secretary to Government.

No. 523.

JUDICIAL DEPARTMENT.

To Captain S. B. HAINES, I. N.,

Political Agent at Aden.

SIR,—1. I am directed by the Right Honorable the Governor in Council to inform you that in March last year, the Tangul or Mussulman priest of Tiruvangadi, in the Malabar Disticrt of this Presidency, to whose fanatical doctrines and conduct, the sanguinary outbreaks which have occurred of late years among the Moplah population of that Province were supposed to have been mainly attributable, was

Digitized by Google

allowed to leave Malabar for Arabia, all proceedings against him being foregone on his engaging to quit this country, and not to return to it. Since that time he has been residing partly in Arabia and partly at Constantinople. He has recently returned from the latter city to Juddah, and from a letter from the Vice Consul, copy of which and of my answer to it accompany, it appears that he meditates a return to Malabar, and may possibly contrive to make his way by land from Juddah to Aden. I have, therefore, the honor to request that should he make his appearance at Aden, you will use every means in your power to prevent his returning to this country, and will inform him that in the event of his contriving to evade your precautions and again presenting himself in India, he will be dealt with under the provisions of Regulation II. of 1819 of the Madras Code, and confined as a State prisoner in some jail or other place of imprisonment at a great distance from the District of Malabar.

2. The name of the Tangul, according to the passport furnished by the Magistrate of Malabar, dated 10th March 1852, is Syed Fazil, son of Syed Alibi Bin Saib.

FORT ST. GEORGE,
10th September 1853.

(Signed) T. PYCROFT,
Secretary to Government.

No. 522.

JUDICIAL DEPARTMENT.

To H. E. GOLDSMID, Esq.,
Secretary to the Government of Bombay.

SIR,—1. I am directed by the Right Honorable the Governor in Council to inform you that in March last year, the Tangul or Mussulman priest of Tiruvangadi, in the Malabar District of this Presidency, to whose fanatical doctrines and conduct the sanguinary outbreaks which have occurred of late years among the Moplah population of the Province were supposed to have been mainly attributable, was allowed to leave Malabar for Arabia, all proceedings against him being foregone on his engaging to quit this country, and not to return to it. Since that time he has been residing partly in Arabia and partly at Constantinople. He has recently returned from the latter city to Juddah, and from a letter from the Vice Consul, copy of which and of my answer to it accompany, it appears that he meditates a return

Digitized by Google

to Malabar, and may possibly contrive to make his way by land from Juddah to Aden. Should he reach Aden, he may not improbably succeed in procuring a passage to Bombay. I have, therefore, the honor to request that in the event of his making his appearance at Bombay, the Bombay Government will use all the means in their power to prevent his revisiting this Presidency, and that he be distinctly informed that should he re-enter the Madras Presidency, he will be dealt with under the provisions of Regulation II. of 1819 of the Madras Code, and confined as a State prisoner in some jail or other place of imprisonment at a great distance from the District of Malabar.

2. I have also to request that immediate information of the appearance at Bombay of the Tangul, and of any steps which the Bombay Government may think proper to take, respecting him, may be communicated direct to the Magistrates of Canara and Malabar.

3. The name of the Tangul according to the passport furnished by the Magistrate of Malabar, dated 10th March 1852, is Syed Fazil, son of Syed Alibi Bin Saib.

FORT SAINT GEORGE, (Signed) T. PYCROFT,
10th September 1853. *Secretary to Government.*

No. 33.

CALICUT, *22nd September* 1853.

From H. V. CONOLLY, Esq.,
Magistrate of Malabar.

To T. PYCROFT, Esq.,
Secretary to Government, Judicial Department,
Fort Saint George.

SIR,—1. A Numbudry (Brahmin) was found murdered by the war-knife on the 16th instant, in the Walawanad Talook. No trace was discovered of the murderers for some days; but it at last crept out that the deed had been perpetrated by two Moplahs (why or wherefore is unknown), and that having bathed their hands in blood, they intended to die as "martyrs" somewhere.

2. Mr. Collett has taken the most vigorous measures to apprehend the men, who are said to have been joined subsequently to the murder by one of their relatives.*

* As I learn from a letter received today.

3. I am just going out to join him, and will write further when I have more intelligence.

Digitized by Google

No. 11.

JUDDAH, 29th July 1853.

From C. J. D. COLE, Esq., I. N.,

Her Britannic Majesty's Vice Consul, and
East India Company's Agent, Juddah.

To T. PYCROFT, Esq.,

Secretary to the Government of
Fort Saint George, Madras.

SIR,—1. I have the honor to inform you that Syed Fazil is about leaving this port in the British ship "Futtael Barej" for Yemen, (Southern Arabia).

2. It becoming known that I had positively intimated to the Tangul that he would not be allowed to embark for India caused considerable sensation, and several persons waited on me to endeavour to alter my determination. Members of the Government also interested themselves in this matter, and at last appearing to comprehend that my instructions admitted of no discretion, they requested that Syed Fazil might be allowed to embark for Hodeida, as he was anxious for change of air.

3. I hesitated, however, in countenancing his departure under any circumstances, in a ship bound for India, fearing that instead of the Tangul landing in Yemen, he might proceed on to India and represent that he had done so with my full knowledge and concurrence. I therefore explained my fears on this account to the Turkish officer, who waited on me, and a few days afterwards the same individual returned bringing with him a letter addressed by his Excellency the Governor of the Hedjuz to Mahomud Pasha, Governor of Yemen, and subordinate to this Government, informing him of the arrival of the Syed in his Government, but that he was not on any account to permit him to depart from thence without orders from Juddah. The officer on reading this letter said that he had been directed by his Excellency to say that could I consent to Syed Fazil's departure with this guarantee he would esteem it a great favor, the Syed having earnestly requested him to interfere in his behalf.

4. Under these circumstances, I complied with his Excellency's wishes, receiving the letter addressed to Mahomud Pasha, for the purpose of forwarding it myself; and as I hyae given strict injunctions

Digitized by Google

to the owner of the vessel resident here, as also to the Nacoda, to be certain under no representations whatever to convey the Tangul *and his followers* beyond Yemen, there is no fear of his proceeding in that vessel.

5. As, however, it is possible that his departure from Yemen might be connived at, the Syed's reputation for sanctity giving him a most extraordinary influence, I have deemed it my duty to despatch a copy of your letter to the Political Agent at Aden, in the event of his not having received instructions from you; for, I know that Syed Fazil still clings to the idea that the letters he possesses from the British Ambassador will restore him to his country; he will, therefore, perhaps, endeavour to reach Aden, one of the letters as I before mentioned, being addressed to the principal Authority at that place.

ORDER.

No. 566.

Ordered that a copy of the above communication be immediately forwarded to the Magistrates of Malabar and Canara for their information.

FORT SAINT GEORGE, (Signed) G. H. MONTGOMERY,
20*th September* 1853. *Chief Secretary to Government.*

No. 32.

CALICUT, 19*th September* 1853.

From H. V. CONOLLY, Esq.,
Magistrate of Malabar.

To T. PYCROFT, Esq.,
Secretary to Government, Judicial Department,
Fort Saint George.

SIR,—1. I received information on the 6th instant, that some of the relatives and connexions of the Tiruvangadi Tangul who had gone with him last year to Arabia, had disembarked from an Arab ship at Tellicherry and come down to the south, I immediately sent orders to stop them wherever they might be found.

They turned out to be his
1. Brother-in-law—Syed Hoossain Coyah, *alias* Pocthee Moplah Coyah, and his son.
2. Syed Mahomed (a lad of unsound mind).
3. Uncles—Abdool Coyah and
4. Imbitchy Coyah, *alias* Abdool Cawder Coyah.
There were also some women, and an old man of no note or importance. They are residents of Quilandy.

Digitized by Google

2. Syed Hoossain Coyah, the Tangul's brother-in-law, had pushed on and made his way to Tiruvangadi; but was constrained to return and appear before me at Calicut without delay.

Abdool Coyah and Imbitchy Coyah.

The two uncles of the Tangul had only got as far as Quilandy. On hearing that I was inquiring for them, they went into hiding and have only just been found.

3. The conduct of these three men in returning *in the way they have done,* is inexcusable. It belies their own assertion that they were not aware that the injunction against revisiting Malabar applied to any but their relative the Tiruvangadi Tangul himself.

See accompanying deposition.

The authorities at Tellicherry were specially informed by the Nacoda of the Arab ship that neither the Tangul nor any of his people were on board, but that he and his suite consisting of 22 persons had been left at Mocha, where he, the Nacoda, had been allowed to carry them from Juddah by Mr. Cole, the Consul, on the assurance of the Pasha of that part of the country that he would be bail for the Tangul's not coming on further towards Malabar.

It was under this statement of the Nacoda, that these three individuals were allowed to pass unquestioned; whether they deceived the Nacoda or whether he helped in the deceit, is a point of question; but it is clear that the men misdoubting their reception, came stealthily, and did their best to evade my notice.

4. These men, and the two latter in especial, were members of that "vicious priesthood," as Mr. Strange designates them, who were always about the Tangul, and in all probability as earnest, if not more earnest in the cause of fanaticism than himself. I strongly recommend that both these two (Abdool Coyah and Imbitchy Coyah), who have no property or standing in Malabar, be remanded to Arabia.

Since writing this, Atra Coyah, the influential relative of the Tangul has come forward to say that, if allowed, he will of himself take charge of these two men, and send them out of the country by a ship immediately expected; to this I have thought it well to agree.

5. As regards the first named person, Syed Hoossain Coyah, who *has* property in Malabar, I recommend that, if allowed to remain in the country he be restricted to Cannanore, where I have sent him to await the Government instructions.

I altogether object to his being permitted to reside as he wishes at Tiruvangadi. We can have no certainty that the ignorant and fanatical

Digitized by Google

Moplahs will not make him the same dangerous object of attraction that his brother-in-law was.

6. My policy ever since the Tangul left, has been to let Tiruvangadi, so far as it was a place of religious veneration and support, fall into obscurity and neglect. With this view, I have prevented the only one of the Tangul's connexions who remained behind when he went to Arabia from paying any visits to that place. I had no fear of his doing anything wrong of himself, as I explained to him (he is a quiet well behaved man), but I had a fear of his being made a puppet by more designing parties, and thought it needful, that all direct connection between his family and Tiruvangadi should cease.

The name and prestige of the Tangul will no doubt die out (as it is very desirable it should) if not kept in recollection by the exertion of his family and adherents.

JUDICIAL DEPARTMENT.

Extract from the Minutes of Consultation, under date the 29th September 1853, *No*. 568.

Read the following letter from the Magistrate of Malabar.

(Here enter 19th September 1853, No. 32.)

The Right Honorable the Governor in Council approves the measures which have been taken by the Magistrate of Malabar towards those relatives of the Tiruvangadi Tangul, who have returned from Arabia; with regard, however, to the Tangul's brother-in-law, Syed Hoossain Coyah, looking to what is stated of this man, and of his endeavour to re-establish himself at Tiruvangadi, and adverting to the indication afforded by the Magistrate's report of the 22nd instant, that the spirit of fanaticism has begun to re-appear in Malabar, the Government greatly doubt whether this individual should be allowed to be at large, even though his liberty should be restricted to the town of Cannanore. They, therefore, request that the Magistrate will take evidence as to the character of Syed Hoossain Coyah, his past pursuits, and his connection with the Tiruvangadi Tangul, as well as to any circumstances which would tend to prove that his presence in Malabar might be dangerous to the peace of the country; and if the result of the inquiry should show him to be a party to whom the

Digitized by Google

provisions of Regulation II of 1819 may rightly be applied, the Government will be prepared to issue the warrant required by the Regulation, and to confine him in some jail at a distance from the Malabar District.

(Signed) T. PYCROFT,
Secretary to Government.

No. 34.

MALAPOORUM, 23*rd September* 1853.

From H. V. CONOLLY, Esq.,
Magistrate of Malabar.

To T. PYCROFT, Esq.,
Secretary to Government, Judicial Department,
Fort Saint George.

SIR,—I arrived here this morning, *viâ* Tiruvangadi; no certain news has arrived of the position of the fanatics supposed to intend to die as martyrs. The country is in considerable alarm in this uncertainty, and the Hindu landholders are keeping watch in their houses. I passed the house of a man who has some 100 guards, many of whom are his own Moplah tenants. He has no quarrel with any Moplah, but fears as do others, that his house may be fancied as a distinguished place of stand.

Mr. Collett and the authorities have done all that is possible in the way of precaution.

Many men of doubtful character have been seized and temporarily confined. Peons have been detached to all people of consideration known to have been at any time obnoxious to fanatics. The Moplahs have been warned by proclamation of the necessity of aiding the cause of good order, and the penalties they will incur if found abetting the fanatics, &c. &c.

Angadipourm, 24th.

2. I did not send off this letter yesterday, as I had reason to hope I should hear something definite before night.

I am glad to say the affair is over. The fanatics, only two in number, disappointed in getting recruits, and not finding any good

Digitized by Google

house undefended, made their appearance yesterday on the top of a small hill close to Angadiporum where there is a Hindu temple; and, after attracting attention to their position, by their loudly proclaimed declaration of faith, informed the bye-standers that they intended to die as martyrs.

The Tahsildar who was at some distance came up, but did not think it fit to attack them till this morning. Mr. Collett and myself had ridden over on hearing of the position of affairs, but did not arrive till the encounter was just over. The fanatics, one an elderly man and one a mere lad, had rushed on the assailing party as usual,—eighteen guns were fired at them at a very short distance. The elder man was brought down wounded, but the younger was untouched and fell on the leading peons and villagers by whom he was despatched without injury to any.

3. I am much concerned to say that a very fine young Moplah volunteer, who was the foremost in the attack was shot through the head, so as to cause immediate death, by a Moplah Kolkar in the rear. I propose to recommend a pension to his nearest relative.

4. I have given rewards to the amount of Rupees 200 to such parties as showed the most forwardness. The Tahsildar is able to give unqualified praise to but few, but in cases of this sort many short-comings must be put up with.

5. It is a great thing that the matter should have been settled, and the country relieved of the fever in which it was sure to continue till it was known that it was so. The great apprehension of course was of these wretched creatures getting recruits, a point it was known they were aiming at, and in which they were probably foiled by the good arrangements made by Mr Collett and the Ernaad Tahsildar as abovementioned.

In view to gain fanatical aid, they gave out that their murder of the Brahmin, mentioned in my letter of the 22nd instant, had taken place in consequence of his having made a Hindu woman who had been converted to the Mussulman religion, apostatize. But this, which is said to have occurred two years ago, I believe to have been an after-thought. The elder of the fanatics who had fallen into very reduced circumstances had, I understand, a personal disagreement not long ago with the Brahmin, about some borrowed money. It was this which most probably led to his killing him. Having killed

Digitized by Google

him, it was well to bring forward a more plausible cause, and to die as a martyr in place of a criminal.

His young companion was no relation, but they lived together, and, as if nothing horrible was to be wanting to these awful scenes it seems that the one was the catamite of the other.

6. The wounded man lived for some hours; dying after his wounds had been treated by my Dresser. He was in possession of his faculties for some time, and gave me from his own mouth his reasons for rising as stated above; but he told one or two clear falsehoods, and had evidently resolved to die without telling more than he chose.

7. I am glad to say that the Moplah Adigharies and others are well reported of. The charge of the temple which was seized by Atten Koorikul in 1849, was, on the first bruit made over to a large party of Nairs, aided by the Moplah Adighary, and a few followers of his own; on the fanatics raising their cry from the (neighbouring) hill, the whole of the Nairs took to flight in extreme disorder, leaving the temple to the care of the Moplahs; the Government will see from this how great was the general trepidation,

---

No. 581,

JUDICIAL DEPARTMENT,

Extract from the Minutes of Consultation, under date the 3rd October 1853.

Read the following letter from the Magistrate of Malabar,

(Here enter 23rd September 1853, No. 34.)

1. The Right Honorable the Governor in Council is happy to learn from the above report that the late attempt to excite a Moplah outbreak in Malabar has been put down. The measures taken by the Magistrate and his Special Assistant seem to have been judicious and proper.

Nos. 24, 25,

2. The Governor in Council is much gratified at finding that the wretched creatures who attempted the outbreak failed to obtain any adherents, From this circumstance, as well as from the good conduct of the Moplah Adigharies and others, spoken of in the last paragraph of Mr. Conolly's letter, he would fain draw the conclusion that the fanatical

Digitized by Google

spirit in Malabar is on the wane; and that the Moplah population, assured of the strict neutrality of Government in all religious matters; of their anxiety to deal impartially with all parties and sects; and of their resolute determination to suppress and punish crime and outrage, will always henceforward be found, as on the present occasion, on the side of good order. The Adigharies and other Moplahs referred to by the Magistrate, will be informed by him of the approval in which their behaviour is viewed by Government.

3. The Governor in Council approves the proceedings of the Magistrate in conferring rewards on those parties who evinced most forwardness in the attack on the fanatics. It is with much regret that he has heard of the unfortunate accident which proved fatal to the young Moplah volunteer, and he will be prepared to receive favourably the Magistrate's recommendation for the grant of a pension or a donation to his nearest relative.

(Signed) T. PYCROFT,

Secretary to Government.

No. 41.

CALICUT, 17*th October* 1858.

From H. V. CONOLLY, Esq.,

Magistrate of Malabar.

To T. PYCROFT, Esq.,

Secretary to Government, Judicial Department,

Fort Saint George.

Sir,—1. With reference to the Extract from the Minutes of Consultation, under date the 29th ultimo, No. 568, I have the honor to state, that Syed Hoossain Coyah has requested permission, as he hears he will not be allowed to remain in Malabar, to take up his residence in Mangalore. I beg to recommend that this be granted.

2. Syed Hoossain Coyah acted ill in the way in which he returned to Malabar; and as mentioned in my letter of the 19th September last, No. 32, I am by no means so satisfied with his character as to think of recommending that he be allowed to reside in any place within a consider-

Digitized by Google

able distance of Tiruvangady. But it is but right to say, that he stands in a different position from the other priests who came over with him from Arabia, and that his reputation is far better than theirs. They, like their blood relative the Tangul himself, were men of no property, and ready, therefore, so to speak, for any fanatic design. Syed Hoossain Coyah was always a worldly man, and availed himself of his connection with the Tangul (he had married his sister who died lately in Arabia), to pick up some of the offerings brought by the pilgrims to Tiruvangady which the Tangul himself was careless of.

Abdoola Coyah.
Imbitchy Coyah.

It was in this way that he realised enough to purchase landed property (near Tiruvangady), bearing an assessment of 300 Rupees per annum.

3. I have not thought it desirable to take any evidence regarding this man as suggested by Government, as I am sure there will be none forthcoming which would justify any extreme rigour against him.

The Hindus' fear was much less of him than of his brother priests, from the notorious fact of his caring for the things of this life.

4. The Government think that there was something suspicious in this man's return being followed so closely by an attempt at outbreak.

The supposition is natural and obvious; but I feel assured that the one was in no way dependent on the other. It was Syed Hoossain Coyah's interest to remain as quiet as possible. Nothing could have been more damaging to him at the moment than to have his name associated with fanaticism.

He was only a few hours at Tiruvangady, and had leisure to see very few people. The fanatics lived a long way from Tiruvangady.

I recommend then that for the present at least he be allowed to retire to Mangalore. He can be under Mr. Maltby's surveillance, and so far as I can see, will breed no mischief there.

Remarks by the Honorable Mr. Thomas on a letter from the Magistrate of Malabar, dated 17th October 1858, relating to Syed Hoossain Coyah.

I have strong doubts as to the propriety of this course. This man comes from the Tangul, and is connected with him. He is quite accessible to Mahomedan fanatics of Malabar at Mangalore; and in

Digitized by Google

all probability he has his secret instructions from the Tangul. It would be safer, in my opinion, to require him to reside where he could have no personal interviews with the Tangul's Malabar adherents.

(Signed) J. F. THOMAS.

JUDICIAL DEPARTMENT.

No. 455 of 1853.

From S. B. HAINES, Esq.,

Captain, Indian Navy, and Political Agent, Aden.

To T. PYCROFT, Esq.,

Secretary to the Government of Fort Saint George.

Dated Aden, 26th September 1853.

SIR,—1. I have the honor to acknowledge the receipt of your letter, No 523, Judicial Department, dated 10th September 1853, with accompaniment as per margin.

From H. B. Majesty's Vice Consul at Juddah, No. 9 of 1853, Judicial Department, to the Secretary to Government, Fort Saint George.
Reply, No. 521, dated 10th September 1853.

2. In reply, I beg to inform you that being aware of the character of "Syed Fuzil ibn Sayed Alibi ibn Sahib," I had his proceedings watched; and reported to the Bombay Government, by letter dated 3rd September, No. 39 of 1853 his being at Mocha; and that should he attempt to proceed to India, I would give immediate direct notice.

3. I received from Syed Fuzil a letter from Her Britannic Majesty's Ambassador at Constantinople, a copy of which I transmitted to Bombay, and annex a copy for the information of the Right Honorable the Governor in Council of Fort Saint George. On perusing the letter, I at once perceived Lord Redcliffe was not aware of the man's character.

4. Sayed Fuzil ibn Syed Alibi has taken one of the largest houses in Mocha, and appears to want for nothing, and is apparently held in reverence and respect by the Mahometans of Malabar in particular: he is no doubt, through Aden, in frequent correspondence with his friends in India.

5. The necessary information shall be duly placed in his hands, and I will prevent his returning to India, shoud he come to Aden.

Digitized by Google

CONSTANTINOPLE, *23rd April* 1853.

SIR,—I beg to recommend to your kind attention and good offices, the bearer of this letter Syed Fuzil Effendi, an inhabitant of Malabar.

The Effendi, who is now on his return from the pilgrimage to Mecca, is a person of distinction, and from his descent an object of veneration among Mussulmans; and I have reason to believe that the Sultan and his Ministers would be gratified by any assistance which it might be in the power of Her Majesty's Authorities or the Honorable the East India Company's servants to afford him during his voyage to Malabar.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) STRATFORD DE REDCLIFFE.

The Officer Commanding at Aden.

(True copy.)

(Signed) S. B. HAINES, *Captain, I. N.*

Political Agent, Aden.

MINUTE BY THE RIGHT HONORABLE THE PRESIDENT.

Letter from the Magistrate of Malabar, No. 734, dated the 17th of October 1853, recommending, with reference to Extract Minutes of Consultation of the 29th September 1853, that Syed Hoossain Coyah, the brother-in-law of the Tiruvangady Tangul be allowed for the present to reside at Mangalore.

I have given my very anxious and best consideration to the above letter and, notwithstanding, the recommendation of the Magistrate, I am strongly inclined to adopt the Honorable Mr. Thomas's view, and to advise, that Syed Hoossain Coyah be informed that, looking to his connection and near relationship with the Tangul of Tiruvangady, the Madras Government can only view his return to Malabar, in the clandestine manner in which it was effected without permission, to be an open contempt of authority, as well as a direct violation of the terms on which the said Tangul and all his family and immediate followers were required to quit Malabar; and that it has, therefore, been resolved to order,

Digitized by Google

that he, Syed Hoossain Coyah shall, within the period of one month, from the day on which an intimation to that effect may be made to him by the Magistrate of Malabar, re-embark on board-ship and go back to Arabia, under penalty of being dealt with in conformity with Regulation II of 1819.

It seems to me unquestionable, but Syed Hoossain Coyah is the medium and link of communication between the Tangul of Tiruvangady and his disciples and adherents in Malabar; that he is come, in fact, as the precursor of the Tangul, and to prepare the way for his re-appearance; that such a state of things is certain to keep up a feeling of excitement and alarm; and that the circumstance of his being sent away will have the best effect on the mind of all classes. It may be personally a hardship; but after the enormities which we have witnessed, I conceive that Government are bound to take every possible precaution.

(Signed) HENRY POTTINGER.

3rd November 1853. I concur.

(Signed) D. ELLIOTT.

(Ditto.) J. F. THOMAS.

JUDICIAL DEPARTMENT.

No. 664.

Extract from the Minutes of Consultation, under date the 8th November 1853.

Read the following Papers:—

From the Magistrate of Malabar, (Here enter 17th October 1853, No. 48.)

Memo. by the Honorable Mr. Thomas. (Here enter Remarks.)

Minute by the Right Honorable the President, concurred in by the Honorable Mr. Eliott. (Here enter 3rd November 1853.)

From the Political Agent at Aden. (Here enter 26th September 1853, No. 455.)

1. The Right Honorable the Governor in Council having given his anxious consideration to the above letter from the Magistrate of Malabar, and to the recommendation conveyed in it sees strong

No. 20.

Digitized by Google

objections to permitting Syed Hoossain Coyah to remain in this country even under the condition of his residing at Mangalore. Looking to this individual's connection and near relationship with the Tangul at Tiruvangady, the Governor in Council can only view his return to Malabar, without permission and in the clandestine manner in which it was effected, to be an open contempt of authority as well as a direct violation of the terms on which the Tangul and all his family and immediate followers were required to quit the country. He has, therefore, resolved to order that Syed Hoossain Coyah shall within the period of one month from the day on which an intimation to that effect may be made to him by the Magistrate of Malabar, re-embark on board-ship, and go back to Arabia under penalty of being dealt with in conformity with Regulation II. of 1819. A warrant in the form prescribed by that Regulation will be furnished to the Magistrate to be used if necessary. Mr. Conolly will show this instrument to Syed Hoossain Coyah to convince him that the Government are in earnest on the subject. Should he linger in the country beyond the time stated, the Magistrate will at once act upon the warrant, committing him to some jail either in Malabar or in another District in the manner indicated in Extract Minutes of Consultation of 10th September last without previous reference to Government, but reporting his proceedings for their information.

2. In a letter just received from the Political Agent at Aden, that Officer reports that Sayed Fuzil ibn Sayed Alibi, the Tangul, has taken one of the largest houses in Mocha, and appears to want for nothing, and is apparently held in reverence and respect by the Mahometans of Malabar in particular; he is no doubt, through Aden, in frequent correspondence with his friends in India. It seems to the Government unquestionable that Syed Hoossain Coyah is the medium and link of this communication between the Tangul of Tiruvangady and his disciples and adherents in Malabar; that he is come, in fact, as the precursor of the Tangul, and to prepare the way for his re-appearance; that such a state of things is certain to keep up a feeling of excitement and alarm; and that the circumstance of his being sent away will have the best effect on the mind of all classes. It may be personally a hardship; but after the enormities which have occurred in Malabar, the Government feel bound to take every possible precaution against their recurrence.

(Signed) T. PYCROFT,

Secretary to Government.

Digitized by Google

No. 34 B.

CALICUT, 8*th October* 1853.

DESPATCH, 19*th* *do.*

From H. V. CONOLLY, Esq.,
Collector and Magistrate of Malabar.

To T. PYCROFT, Esq.,
Secretary to Government, Judicial Department,
Fort Saint George.

SIR,—1. I am directed in the Extract from the Minutes of Consultation, under date the 23rd August last, to submit my opinion on the suggestion contained in paragraph 68 of Mr. Strange's Report of the 25th September 1852, on the subject of tenant's rights and the tenure of family property.

Paragraph 44.]

2. Mr. Strange's views on the matter of tenant's rights, I think, deserving of the best attention, and shall be glad to find that the wisdom of the Sudr Udalut, to whom, I see, they have been furnished, is able to devise means for their being practically carried out.

3. The landed tenures of Malabar, as Mr. Strange observes, were originally conceived in much wisdom and forethought.

The principal object in view, no doubt, was to secure the inalienable (or all but inalienable) right of the Hindu proprietor to his land. As with the Jews, under the Mosaic dispensation, it was held to be a religious duty in Malabar not to part with a family estate absolutely. The landlord's exigencies might force him to relinquish his ground for a season, but arrangements were devised by which all incumbrance should cease, and the land revert to him sooner or later.

4. But with all this solicitude for the paramount rights of the landlord, the claims of the tenant were not overlooked.

No man, it was held, should be ejected from a substantial holding without obtaining a reimbursement for any *bonâ fide* improvements which he might have effected during its occupancy.

The tenant's rights, so much spoken about and wished for in Ireland, have, in principle, therefore, been in the possession of the tenants of Malabar from time immemorial. Were the ancient rules which regulate the rates for improvement revised and increased, with reference to the increased value of property; and were these rules still further improved as suggested in succeeding paragraphs, any solid and thorough grievance from ejectment would not, as a general rule, be felt in Malabar.

Digitized by Google

It would always be some annoyance to a man to leave a property which is endeared to him from associations. A man might be turned out of his property by false accusations, supported by false deeds, and the amount adjudged to him by assessors on his ejection as improvement or tenant right might from evil influence be fixed lower than it should have been. But notwithstanding these (of course exceptionable cases) there can be little doubt that, were the peculiar laws of the country fully carried out and a little improved, the tenant of Malabar would be in as good a position, to say the least, as the tenant in any other part of the world.

5. According to old custom, land, as a general rule is not leased in Malabar at its full value. But the apparent lightness of lease is balanced by the custom of insisting on fines and presents of different natures at different intervals ; fines are paid on investiture, on renewals, and on various other occasions. It is a common complaint of the tenant, that allowance is not made for these cesses which it is not customary to enter in the lease bonds, and that a greedy landlord in order to obtain fresh fines from a new tenant frequently departs from the spirit and intention of the old laws which, as Mr. Strange remarks, fix twelve years as the proper duration of a lease, and ousts the prior occupant before he has had time to recover his outlay.

There is no written law to this effect, but the usage is undoubted.

It would be a great point, in order to avoid what all must allow to be a breach of faith and departure from the spirit of the ancient local rules, were it possible to change the feeling and practice of the jenmis or proprietors on this point, and to make them acknowledge in writing *everything* they received from their tenants or mortgagees. A law similar to that contained in Section VII. of Regulation XXX. of 1802, would meet this object. Whether it could be passed without the consent of the jenmis is for the consideration of the higher Judicial authorities.

6. The Government think it may possibly be desirable to interfere by legislative enactment, so as to fix some term to the landlord's indefinite paramount right over the tracts of waste land and forest to which he now lays claim.

To this, I beg to observe, that the injury which these paramount rights have certainly a tendency to produce, is in a measure neutralized by the universally acknowledged practice of the country.

Digitized by Google

All land in Malabar, as I remarked in a Memorandum drawn up for Government in 1840, is strictly private property, and the rights of the jenmakar or proprietor are held to be inalienable, whether it be cultivated or whether it be left waste. So far is this carried, that it is laid down by the standard authority on all matters relating to the land tenures of Malabar (Major Walker), that should a person bring into cultivation a piece of waste ground which appeared to have no claimant, the owner on making his appearance after any lapse of time would have a right to resume his property, paying for the improvements that had been made. Extensive and unbounded indeed as these rights at first appear, they have their limits. A man is not allowed to keep his land waste unless he agree to pay the Government the tax they would derive from its cultivation. Should he decline to do this, the land is delivered over to any person who will undertake to till it, a specification being made that out of the profits deducible from its cultivation, a certain portion (about 15 per cent.) shall be given to the proprietor as the landlord's share.

I. e., if, a stranger applies to the Authorities for leave to reclaim waste (as is constantly done), B, the landlord of that waste cannot bar A's purpose except by taking the responsibility himself.

7. The only practical difficulty which has presented itself in this matter, is that alluded to in my letter to Mr. Strange of the 10th September 1852, in which I have shown that Hindu landlords have, at times, attempted to hinder the location of Moplah cultivators no waste, by preventing them from acquiring in fee simple so much ground as would suffice for a mosque and burial ground. But such cases are not frequent, and I would fain hope that the personal representations of the European local authorities will be found sufficient to induce the landlords to listen to reason, without the necessity of any extraordinary interference on the part of Government.

Referred to in para. 22 of my letter to Government, dated 26th February 1853.

8. The second point animadverted on by Mr. Strange, is the practice of considering the property of a Hindu family to consist of a number of individual shares, any of which may be divided off from the estate and forfeited to a creditor of the assumed individual shareholder; while the theory of a Hindu family in Malabar is that the head thereof has entire control therein; that his signature alone can be taken for any exigencies of the family, for the due support of the whole of whom he is responsible; and that the property is vested in him for the common good of all, and is indivisible.

Digitized by Google

There is no doubt that Mr. Strange is correct as to his interpretation of the law of Malabar as regards the indivisibility of family property.

It will be found, I believe, that the law has been fully acknowledged by the highest Judicial authorities at Madras on special appeals from interested parties. Any irregularities in this respect on the part of the subordinate tribunals would, I presume, be easily rectified by a declaration from the Sudr Udalut of what was deemed proper.

I give no opinion on the *policy* of the law, which I think, however, is liable to much question.

9. Of the advantage of introducing a system of local registration similar to that recommended by Mr. Strange in paragraph 69, &c., there can, I think, be no doubt. I have myself proposed it, as have, I believe, other Officials more than once.

No. 681.

JUDICIAL DEPARTMENT.

Extract from the Minutes of Consultation, under date the 15th November 1853.

Read the following letter from the Collectorand Magistrate of Malabar.

(Here enter 8th October 1853, No. 34 B.)

Ordered that copy of the above report be furnished to the Court of Sudr Udalut for their information. The Judges will advise Government of any instructions which they may have issued, or purpose issuing, on the subjects referred to them in Extract Minutes of Consultation, 23rd August 1853, paragraph 44.

(Signed) T. PYCROFT,
Secretary to Government.

No. 45.

CALICUT, 14*th November* 1853.

From H. V. CONOLLY, Esq.,
Magistrate of Malabar.

To T. PYCROFT, Esq.,
Secretary to Government, Judicial Department,
Fort Saint George.

SIR,—In reply to the Orders of Government of the 8th instant, I have the honor to inform you that Syed Hoossain Coyah having proceeded

Digitized by Google

to Mangalore in anticipation of the Government Orders, I have now sent on all the papers received with the above resolution to Mr. Maltby, with a request that he will immediately carry out the Government instructions.

To be recorded.

MAGISTRATE'S CUTCHERRY,
MANGALORE, 17*th November* 1853.

No. 21.

From F. N. MALTBY, Esq.,
Magistrate of Canara.

To T. PYCROFT, Esq.,
Secretary to Government, Judicial Department,
Fort Saint George.

SIR,—With reference to the annexed letter from the Magistrate of Malabar, I have the honor to report that on its receipt I immediately sent for Syed Hoossain Coyah, of whose arrival at Mangalore I had already been apprised.

2. He has just waited upon me, and on my communicating to him the orders of Government and explaining to him that they are peremptory, he signified his intention of returning to Arabia; but as there are at present no direct opportunities he requested permission to go by Bombay. I informed him that I should not object to his taking that route, but explained that I should communicate with the authorities at Bombay, and that he would be considered as being there only on his way to Arabia. I trust that in this respect I have acted according to the wishes of the Government.

3. Syed Hoossain Coyah will, I doubt not, embark accordingly; but it is desirable that I should be furnished with a warrant, to be used if necessary, and as that which I have received from Mr. Conolly is addressed to the Magistrate of Malabar, I have the honor to request that one to my address may be issued.

Digitized by Google

No. 696.

JUDICIAL DEPARTMENT.

Extract from the Minutes of Consultation, under date the 25th November 1853.

Read the following letter from the Magistrate of Canara.

(Here enter 17th November 1853, No. 21.)

Under the circumstances reported by the Magistrate of Canara, the Government acquiesce in his having permitted Syed Hoossain Coyah to proceed to Arabia, *viâ* Bombay. The Magistrate will of course in communication with the Bombay authorities take every precaution to ensure the Syed's acting up to his alleged intention, and should he return to Canara, will at once arrest and imprison him under the orders already given. A warrant in due form will be forwarded to the Magistrate as requested.

(Signed) T. PYCROFT,
Secretary to Government.

No. 46.

CALICUT, 19*th November* 1853.

From H. V. CONOLLY, Esq.,
Magistrate of Malabar.

To T. PYCROFT, Esq.,
Secretary to Government, Judicial Department,
Fort Saint George.

SIR,—In my letter of the 19th September last, I informed the Government that Imbitchy Coyah and Abdool Coyah, two near relatives of the Tiruvangady Tangul, who had returned to Malabar clandestinely, would be sent out of the country by Atra Coyah.

2. These two men who had been sent to Calicut for examination lingered on their return to Quilandy where Atra Coyah lives; and were too late for the ship in which he proposed to find them a passage. He begged, therefore, to wash his hands of them.

On this I put them under restraint from which they were only released on offering to sail for Alleppy, from whence they would have

Digitized by Google

greater opportunities, at the present time, than elsewhere of getting clear of India.

They sailed accordingly, and I had thought to be rid of them. I have just learnt, however, from a private source that they do not wish to go on, but propose to try and get permission to take up their abode in the Cochin Territory not far from the borders of Malabar.

3. Looking at the orders which have been given in the case of Syed Hoossain Coyah, it is clear that the Government will not think it right that these men of whom, as the Government are aware, I entertain far more suspicion than of Syed Hoossain, should remain in the Malabar Coast anywhere; and I beg to recommend that I or the Resident be furnished with warrants under the provisions of Regulation II of 1819, to place them in such gaol as may seem expedient in case they do not leave India within a month.

P. S.—I have sent a copy of this letter to General Cullen, with whom I had communicated on the priests first going to Alleppy.

No. 698.

JUDICIAL DEPARTMENT.

Extract from the Minutes of Consultation, under date the 25th November 1853.

Read the following letter from the Magistrate of Malabar.

(Here enter 19th November 1853, No. 46.)

1. The Right Honorable the Governor in Council is much displeased at the evasive conduct practised by Imbitchy Coyah and Abdool Coyah; and he resolves to furnish the Magistrate of Malabar, agreeably to his recommendation, with warrants under the provisions of Regulation II. of 1819, to be put in force as regards those parties in case of their not leaving India within one month from this date.

2. The Resident of Travancore and Cochin will be moved through the Political Department, to cause Imbitchy Coyah and Abdool Coyah to be placed under surveillance while they remain in the Sircar Territories; and if they do not take their departure to Arabia by the first opportunity, to send them to the Magistrate of Malabar in custody, in order that they may be dealt with under the warrant.

(Signed) T. PYCROFT,

Secretary to Government.

Digitized by Google

No. 38.

CALICUT, 10*th October* 1853.

From H. V. CONOLLY, Esq.,

Collector and Magistrate of Malabar.

To T. PYCROFT, Esq.,

Secretary to Government, Judicial Department,

Fort Saint George.

SIR,—As directed in the Extract from the Minutes of Consultation of Government, dated 23d August last, I have conferred with Messrs. Frere and Ward on the subject of the Acts for the suppression of Moplah outbreaks; and as further directed, beg to forward my separate remarks on the same.

No. 147.

TELLICHERRY, 13*th October* 1853.

From H. FRERE, Esq.,

Session Judge of Tellicherry.

To T. PYCROFT, Esq.,

Secretary to Government in the Judicial Department,

Fort Saint George.

SIR,—I have the honor to acknowledge the receipt of copy of paragraphs 40 and 49 of Extract from the Minutes of Consultation, under date 23rd August last, requiring me to report my opinion with respect to the proposed measures for the repression of fanatical crimes and outrages in the District of Malabar. Copies of the draft Acts, and of such further portions of the above Extract as are specified in paragraph 49, were received by me from the Magistrate's Office on the 10th ultimo; and, having previously directed my attention to the subject there referred to, which has naturally formed a topic for discussion among all classes in this District for some time past, I conclude it will be considered proper that I should comply with the above instructions without delay.

Digitized by Google

2. The most important provisions of the first of these Acts, that for the suppression of fanatical outrages, are those which relate to the proposed suspension of the operation of the ordinary Regulation in any portion or portions of the District which may be in a disturbed or unsettled state, and which invest the Magistrate with summary power in such cases; either for the apprehension and removal from the District of parties implicated in an actual or intended outbreak of the above description as provided by Sections II. and III., or for the amercement under Section V. of individuals or communities which may be ascertained by the Magistrate on presumptive evidence to have been guilty of concealment or misprision with reference to any outrages actually committed.

3. Both the above enactments appear to me to be most valuable, and calculated of themselves in a great measure to effect the important object which Government have in view. The remaining provision of the Act, which however stands first in the draft, that which directs the forfeiture under the sentence of a Criminal Court of the property of persons convicted of fanatical outrages, or who may be proved to have lost their lives in the perpetration of such acts, seems to me to be of less value, the overt agents in such cases being usually persons in indigent circumstances, or, as observed by the late Commissioner, junior members of families, who by the law and usage prevalent in Malabar, according to which the property of each family living together in an undivided state is under the sole control and management of the head male member, possess no distinct, real or personal property, nor can the family estate be held liable for their acts. As remarked, however, by the Government when quoting the opinion of Mr. Strange in paragraph 17 of the Extract of the Minutes of Consultation, this enactment may be calculated to take effect in individual cases, and in dealing with an evil of so great magnitude, it may be proper that the authorities should have at command all possible means available for its suppression.

4. To revert to the more important provisions contained in Sections II., III., and IV. of the proposed Act, I would submit that it would be advisable to restrict the actual publication in the Government Gazette, to an Order in Council, authorizing the Magistrate, in general terms, to put in force the provisions of these Sections in any Talook or Talooks, or sub-divisions of a Talook, which might be in a disturbed or unsettled state, by a proclamation in the locality more immediately affected; thus

Digitized by Google

confining the details of the necessary notification to the disturbed portion of the District itself. It is desirable to avoid any degree of unnecessary alarm on such occasions, especially in a country in which reports on such subjects are much exaggerated, owing to the imperfect means of communication, or accurate information possessed by the native community; and it appears to me that this modification would be attended with advantage with reference to this object.

5. I conclude that the terms of Section II. will be so construed as to include all accessaries to fanatical outrages before or after the fact, so as to invest the Magistrate, acting under the orders of Government, with the power of removing from the District any land-holder or other influential person who might be ascertained to have been implicated in, or to have connived at any outrage of this description; if otherwise, it would be desirable to insert an additional sentence in the following Section, authorizing the Magistrate to proceed in the manner indicated in that Section retrospectively, with reference to parties implicated in an outrage actually committed, as well as prospectively with regard to a design apparently contemplated but not yet carried into effect.

6. Adverting also to the consideration that the prevention of crimes of this nature is far preferable to the exercise of extraordinary powers for the subsequent punishment of guilty parties, I should be disposed to recommend an addition to these Sections, vesting the Governor in Council with the power of deportation beyond sea in special cases in which such a measure might be considered desirable. The dread and aversion with which the natives of India regard such a removal is well known to be much greater than that entertained by them with reference to a transfer by land even to a distant District of the same Presidency; and to the other precautionary measures provided by the Act, it would be desirable to add the moral effect which would be produced by the knowledge that Government possessed this power, and that it would be used in the case of any influential parties of whose complicity in such outrages the Government might be satisfied from evidence placed before them by the Magistrate.

7. Should occasion arise for the actual exercise of these or other summary powers conferred by the Act, it is scarcely necessary to allude to the paramount importance of a careful preliminary inquiry on the part of the Magistrate, such as will effectually preclude the conversion of the provisions of the Act by ill-disposed persons into an instrument

Digitized by Google

for the gratification of personal interest or resentment; I will only add that it may be desirable to append to Section III. a clause providing that the special powers shall continue in force so long only as the Governor in Council shall be pleased to direct.

8. In the event of these suggestions being adopted, Section III. would stand as in the margin. With a view to greater distinctness, the alterations I would propose in the draft have been italicized.

Section III.—"It shall be competent to the Governor in "Council of Fort St. George, whenever he shall see cause by "reason of fanatical outrages which may have occurred, or in "anticipation of such outrages, *by an Order in Council published* "*in the Fort St. George Gazette, to authorize the issue of a Pro-* "*clamation by the local Magistrate* declaring the whole or any "part of the District of Malabar to be in a disturbed or unsettled "state, and by the same *Order in Council to invest the Magistrate* "*with special powers having reference* to the tract or tracts *in-* "*cluded in the said Proclamation*, and to exempt him in cases "arising within such limits from the ordinary restrictions in "respect to the requisition of security for the maintenance of "the peace, imposed by Section V. Regulation VI. of 1827 of "the Madras Code, or by any other Regulation or Act; and in "extension of the powers vested in the Magistrate by Section III. "Regulation II. of 1822 of the said Code, to authorize him to "apprehend any person against whom there may be a strong "suspicion of a design to commit a fanatical outrage, or of in- "citing other persons to commit such outrage, *or of having in* "*any way procured, promoted, or encouraged the perpetration of such* "*outrage actually committed*; and to issue his warrant for such "person to be received and detained in custody in the jail of "the District, or for the greater security of the public peace to "be removed from the District, and to be received and detained "in custody in the jail of another District until the Magistrate "shall direct his release, or until his release shall be ordered by "the Governor in Council. It shall also be competent to the "Governor in Council, *by Order in Council*, in like manner to "confer on such Magistrate the powers vested in the Govern- "ment Agents in Ganjam and Vizagapatam, by Section VII, Act "No. XXIV. of 1839.—*Provided that the said Order in Council and* "*Proclamation shall continue in operation so long only as the* "*Governor in Council shall be pleased to direct; and that the time* "*at which the special provisions of this Section shall cease to be* "*enforced shall be duly notified in like manner by local Proclamation.*

"¶*And it is further enacted that* "*in special cases in which it may* "*be considered desirable and* "*necessary for the public peace,* "*it shall be lawful for the Gover-* "*nor in Council to direct the deportation beyond sea of any person or* "*persons confined under this Sec-* "*tion,* in like manner as trans-* "*portation in certain cases under* "*a sentence of the Court of Fouj-* "*daree Udalut is now authorized* "*by Clause 2nd, Section VIII. Regulation XV. of 1803 of the* "*Madras Code, and Act No. XIV. of 1844; Provided that no* "*person or persons thus deported shall be subjected to labour;* "*and provided also that such order of deportation shall in any* "*case be withdrawn and recalled at any time that the Governor in* "*Council may be pleased to direct any thing contained in the above* "*Regulation or Act notwithstanding.*"

¶ Note.—This may form the commencement of another section.

* Or "the foregoing Section" as the case may be.

9. I have already mentioned that the remaining Sections Nos. V. and VI. of the Act in question, appear to me to contain provisions of much value; as the former Section stands however it might be construed as enacting that no fine should be imposed by the Magistrate under that Section until the sanction of the Governor in Council might be received in such case. It seems to me that if this is the intention of the terms in which the Section is worded, much of the effect of such penalty might be lost in consequence of the delay which might occasionally prove unavoidable under the rule in question, and I would therefore propose that the fine should be levied in the first instance

Digitized by Google

after such local inquiry as might appear necessary, each case however being reported to the Governor in Council for his final orders.

10. With reference also to the circumstance that the acts of a Collector in realizing Revenue by summary process are by law subject to the interposition of the ordinary Civil Tribunals, and to the doubts which might be raised whether a Magistrate levying a fine under such process would be entitled to the protection conferred by Act No. XVIII. of 1850, I should be disposed to append to the last Section of the Act a provision exempting the Magistrate from such interference as regards any attachment, sale, or order of commitment made by him in the exercise of the special powers conferred on him by Sections V. and VI. of the Act in question, which two Sections, if these suggestions should be approved of, will therefore stand as in the margin.

Section V.—" When damage may be done to life, person, or " property by individuals or bodies of men acting with fanatical intent, and where it may appear that individuals or " communities connected with the fanatics or residing in " their neighbourhood were aware of such fanatical designs, " notwithstanding which, they may have taken no measures with a view to their prevention, or may have " neglected to give information to the local Magistracy, or the " Police authorities, or may have made no efforts, when it was " within their power to suppress any outbreak after it had " occurred, it shall be lawful for the Magistrate, *after such* " *local inquiry as may be found necessary*, to levy such sum " or sums of money as may seem proper from such persons or " communities, and to appropriate the same in part or in whole " for compensation to the parties subjected to loss or grievance, " or as fines to Government.—*Provided that the imposition of* " *such fine shall in every case be liable to confirmation or other-* " *wise by the Governor in Council, to whom each case shall be* " *reported for his final orders.*"

VI.—" All fines and pecuniary liabilities incurred under this " Act may be levied under summary process in the same manner as the Public Revenue may now be realized *under Section* " *XXVII. of* 1802 *of the Madras Code.—Provided that the said* " *Magistrate shall not in respect of any attachment, sale, or warrant of commitment ordered or directed under the provisions of* " *this Section, be held subject to the interposition of the ordinary Civil Tribunals, nor shall any such acts be held to constitute legal ground for a Civil action, any thing contained in the* " *above Regulation or in any other Regulation or Act notwith-* " *standing.*"

11. In proceeding to consider the remaining Act that " for restricting the possession of arms in Malabar," I would observe in the first instance that the policy of the enactment contained in the first Section may be regarded as unquestionable. The war-knife, although a most formidable weapon in the hands of fanatics, is not one which is absolutely required for any legal purpose, and its prohibition therefore in the terms of this Section would seem to be a safe and perfectly justifiable act of legislation. It might, however, be desirable to extend the provisions of this Section to " the possession or manufacture of the war-knife, or of any instrument of similar form or description," and to individuals " who may be found in possession or may be proved to have been engaged in the manufacture of such instruments."

Digitized by Google

12. The provisions of Section II. of the Act in question are such as appear to me to require much more careful and serious consideration. There is this important distinction between this enactment and those of the Act previously referred to, that the latter are only applicable to cases in which actual outrages may have been committed, or in which grounds may exist for apprehending their occurrence in specified localities, and are calculated only to affect parties guilty of having been concerned in such outbreaks, or ascertained to be implicated in a design for that purpose; while the Section in question extends to an interference with the habits of all classes of the community, and its enactment, therefore, will be more sensibly and immediately felt in the District generally.

13. The *primâ facie* objections to the measure are obvious to any one acquainted with the common life of the inhabitants of Malabar. It is to be presumed that the license will be issued gratuitously to all applicants of known character and respectability; but it must, nevertheless, be anticipated that the proposed restriction will tend to preclude the people generally from offering resistance to robbers and from restraining the incursions of wild beasts, a point of great importance in the neighbourhood of the forests in the interior. In connection with this subject it may be observed that the Nairs in the inland Districts especially are much addicted to hunting, and it appears to me that this partiality, entertained by a class of Hindus who are more than any other opposed to Moplah aggression and outrage, should rather be promoted than discouraged.

14. It must also be remembered that any general measure of this kind, even if it should materially increase the difficulty of procuring arms for the purposes of a fanatical outbreak, willin the same measure deprive the peaceably disposed members of the community of the means of defence, and diminish the probability of any suppression of the disturbance by the people themselves. It is known to the Government that the tragical outbreak which took place at Mattanoor, about sixteen miles from this place in January 1852, was terminated in this manner, and if this had not been the case, it is probable that the disturbance would have assumed a much more formidable aspect owing to the impracticable nature of the country, and the consequent difficulty of overtaking and engaging an active band of fanatics by means of regular troops.

15. So far, therefore, as my position and knowledge of the District enable me to judge, I am disposed to think that the unqualified enactment

Digitized by Google

of the Section in question is unadvisable unless the other provisions of the proposed Acts should be found ineffectual for the purpose intended; and even in that case I entertain some doubt whether the temporary establishment of martial law in any portion of the District actually disturbed would not be a preferable measure.

16. It has occurred to me, however, that in the event of the question of the expediency or otherwise of this enactment, as it stands in the draft, being decided in the negative, its principle might be applied without difficulty to any portion of the District which might be in a disturbed or unsettled state, and that the Section might thus be connected with the Order in Council or Proclamation specified in Section III. of the "Act for the suppression of fanatical outrages," with a further provision that in all cases in which the Governor in Council might be pleased so to direct, the prohibition as regards the possession or use of arms without a license should remain in force irrespective of the continued operation or otherwise of the special powers conferred on the Magistrate by the provisions of that Section. I would also propose that Section III. should be differently worded, so as to include in the prohibition all offensive weapons other than those used for the purposes of common life. The draft of the two Sections referred to would thus be modified to the effect noted in the margin:

Section II.—"*And it is further enacted that in any* "*case in which the Governor in Council, in the exercise of* "*the powers conferred upon him by Section III. Act No.* "*of 185 may think fit to authorize the issue of a Pro-* "*clamation under that Act declaring any portion of the* "*District of Malabar to be in a disturbed or unsettled* "*state, it shall be lawful for the Magistrate acting under* "*the authority of the Governor in Council to restrict at* "*the same time the use or possession of arms within the* "*limits of such proclaimed locality, and to declare by* "*similar Proclamation that no person within such limits,* "shall be allowed to purchase, sell, manufacture, or "cause to be manufactured, or have in his possession "any offensive weapon, or gunpowder, without a license "from the Magistrate, which license shall specify the "name of the party to whom the permission shall be "given, the offensive weapon to which it is intended "to apply, and the term for which it is intended to "be in force; and as regards gunpowder, the quantity "of gunpowder to which the permission is to extend; "and any party buying, selling, manufacturing, or "causing to be manufactured, or being in possession of "any offensive weapon or gunpowder *within such limits* "without a license, shall on conviction before a Magis- "trate be for every such offence, liable to a fine not "exceeding 50 Rupees, or to imprisonment with or "without hard labour for a period not exceeding six "months, or both, and the said offensive weapon or "gunpowder shall be confiscated. *And it is further* "*enacted that in any case in which the Governor in Coun-* "*cil shall think fit so to direct, the provisions of this Section* "*shall continue in force within such specified locality, not-* "*withstanding that the operation of the special powers* "*conferred by Section III. of the above Act may have* "*ceased to have effect within those limits in the manner* "*provided by the above Section III. Act No. of 185 .*"

Section III.—"*Provided that the above prohibition shall* "*not be so construed as to include the common peshan-* "*cutty or sheath-knife, nor any other implement ordi-* "*narily in use for agricultural or domestic purposes in* "*the province of Malabar.*"

17. Should the enactment be adopted in this form, the following Section IV. may be omitted as unnecessary, and I would only

observe in conclusion with reference to a further point to which the Government have adverted that the Magistrate should, as it appears to me, be at liberty to delegate to his European Assistants at his discretion, the powers vested in him by Section V. as it now stands in the draft with regard to the issue of a search warrant, in the same manner as he is authorized to entrust them with his ordinary duties under the existing law.

No. 190.

CALICUT, 18*th October* 1853.

From S. N. WARD, Esq.,
Sessions Judge of Calicut.

To T. PYCROFT, Esq.,
Secretary to Government in the Judicial Department,
Fort Saint George.

SIR,—1. Adverting to paragraphs 40 and 49 of the Minutes of Consultation, under date the 23rd August 1853, I have the honor to report that, as therein directed, I have carefully considered the two draft Acts entitled respectively "an Act for the suppression of fanatical outrages," and "an Act for restricting the possession of arms" in Malabar; and, at a conference held with the Magistrate for that purpose, discussed with him the several provisions they contain, in connection with a paper sent to us by the Sessions Judge of Tellicherry, as embodying his views on the same subject.

2. As regards the first of these enactments, I have nothing worth offering to suggest, and will therefore content myself with observing that, taken as a whole, it seems well calculated to effect the object it has in view.

3. As regards the second, I am of opinion that some such restrictions as those which it proposes have long been needed, and would still be so, though the first Act should become law; while of the policy of the measure, or of the ease and safety with which it might be carried out and the penalties attending it enforced, I have no doubts. Nevertheless, I would make the prohibitions it contained as few as possible, and to that end, I would strike out of the Act all that part of it which relates to the purchase, sale, possession, or manufacture of gunpowder. In a country like this, where the cultivated tracts are every where interspersed

Digitized by Google

with hills and forests, gunpowder may almost be said to be a necessary of life; for, without it, the inhabitants would be utterly powerless to guard their crops from the ravages of the wild beasts of different kinds with which the country swarms; it enters largely also into the religious ceremonies and festivities of all classes; and it is besides in much request for sporting purposes. Any restriction, therefore, such as that contemplated in the Act would, I think, be very generally felt to be vexatious; nor is any such restriction needed. A band of Moplah fanatics placing their chief reliance upon fire arms, would be comparatively but a harmless foe; the very stopping to re-load, when once before their opponents would, however bold the front they might show, be fatal to their prestige. It is the desperate energy with which they rush at once to close quarters, and the use they make of their tremendous war-knives, and these alone which (apart from superstitious feelings) make them now so dreaded. At the same time it cannot be denied that very serious mischief might be done, and much trouble and consternation occasioned by a party so armed during the time they might be wandering about in search of recruits, and still more after they had taken post (as is their wont) in a pagoda or some other strong place, the approaches to which fire arms would enable them to command; and it, therefore, becomes a question whether, while imposing no restriction upon gunpowder beyond those which already exist, it might not be as well to retain the gun upon the list of interdicted weapons. No doubt, much that has been said of one is applicable also to the other; but, upon the whole, considering the ease with which a registration could be effected, the little real grievance it would prove to any one, and the security it would afford, that weapons so registered, would not be allowed (whatever might be the secret sympathies of their owners) to find their way into the hands of fanatical insurgents, I am strongly inclined, despite any little dissatisfaction it might at first occasion, to advocate the measure. "Pistols," however, I would exclude, as I would also "Daggers of whatever kind," both as being little formidable when viewed in the light of warlike weapons, and because, from the smallness of their bulk, a search for them might be made the pretext for petty annoyances against which it would be difficult to guard. The rest of the Act I would leave as it stands, except that I would add to Section I. a Clause imposing the same penalty on the purchase, sale, or manufacture of the war-knife as at present attaches to its possession; and so, if possible, utterly abolish it.

Digitized by Google

4. As regards the application of the measure I would make it general throughout the District. To apply it partially, and still more to impose it piecemeal, as disturbances arose, might, I think, seem invidious, and it is as a wise precaution against future outrage and not as a punishment for outrages committed that I would have it regarded, and it should take place immediately. At present all is quiet (for the late attempt near Maliapoorum met with little or no sympathy), and that such a state of feeling should obtain during the time the measure is being carried out is, in my opinion, very material to its successful issue. Just now too there is a pretty general expectation abroad that some such measure, as the Act proposes, is in contemplation; and, what is more (at any rate among the better classes), that it is required; and that too is a circumstance of which advantage should be taken, as tending greatly to the same result.

5. To conclude, adverting to the extraordinary powers which the first of the two Acts is to confer upon the Magistrate, I would recommend that they be extended to any of his European Assistants to whom he may think fit to delegate them; and, with reference to the Arms' Act, that the utmost liberality should be exercised with regard to licenses; and all weapons, brought in under the proclamation, liberally paid for, where payment is required.

JUDICIAL DEPARTMENT.

No. 714.

Extract from the Minutes of Consultation, under date the 30th November, 1853.

Read the following papers:—

From the Collector and Magistrate of Malabar.

(Here enter 10th Oct. 1853, No. 38.)

From the Session Judge of Tellicherry.

(Here enter 13th Oct. 1853, No. 147.)

From the Session Judge of Calicut.

(Here enter 18th Oct. 1853, No. 190.)

1. In the above letters, the Magistrate of Malabar and the Session Judges of Tellicherry and Calicut report on the provisions of the

Digitized by Google

draft Acts for " the suppression of fanatical outrages," and " for restricting the possession of Arms in Malabar," which were referred to them by Extract Minutes of Consultation, 23rd August 1853, No. 483, paragraph 40.

2. In respect of the first of the above Acts " for the suppression of fanatical outrages," both the Magistrate of Malabar and the Session Judge of Calicut approve the enactment, but have no remarks to offer upon it. The Government proceed to notice the observations made by the Session Judge of Tellicherry.

3. Mr. Frere suggests "that it would be advisable to restrict the " actual publication in the Government Gazette" under Section III. of the Act " to an order in Council, authorising the Magistrate in gene-" ral terms to put in force the provisions of these sections in any Talook " or Talooks, or subdivisions of a Talook, which might be in a disturbed " or unsettled state, by a Proclamation in the locality more immedi-" ately affected." It does not occur to Government that this alteration is necessary. The Proclamation contemplated by the Act will, of course, be founded on the recommendation of the Magistrate, and will include only such parts of the District as he shall indicate.

Paragraph 5.

4. The terms of Section II. are, as surmised by the Judge of Tellicherry, intended to include all accessories to fanatical outrages, before or after the fact, so as to invest the Magistrate, acting under the orders of Government, with the power of removing from the District, any person implicated in such proceedings. This is, it seems to the Government, sufficiently provided for by the reference made in that section to Regulation II. of 1819 and Act V. of 1841. Of course, an accessory before the fact could be tried under Act V. of 1841, as well as any party otherwise implicated.

5. The suggestion contained in paragraph 6, that the Governor in Council should be vested with "the power of deportation *beyond sea* " in special cases in which such a measure might be considered desir-" able" is highly judicious, a provision to this effect has consequently been inserted in Section III. The Governor in Council has also made an addition to the Section to the purport suggested by the Session Judge providing for the repeal of the Proclamation to be issued under that Section.

6. In paragraph 10 of his letter, the Session Judge observes, in reference to Section V., that as it now stands, this Section might be

Digitized by Google

construed as enacting that "no fine should be imposed by the Magis- "trate under it, until the sanction of the Governor in Council might "be received in such case." If this be so, he apprehends that "much of the effect of such penalty might be lost in consequence of the delay which might occasionally prove unavoidable under the rule in question," and suggests that the fine should be levied in the first instance, after such local inquiry as might appear necessary, and the case be reported to Government for final orders. Mr. Frere has modified the section accordingly, and as the alteration still renders the imposition of the fine liable to confirmation "or otherwise" by the Governor in Council, the Government will not object to adopt it. They also resolve to make to Section VI. the addition recommended by the Session Judge, which, though not perhaps absolutely necessary, may be useful by way of precaution.

7. With regard to the second draft Act, or that for restricting the possession of Arms in Malabar, the Magistrate and Judges approving the principle on which it is founded, have offered various suggestions on its details; upon its scope, and the measures to be taken for giving it effect. It is proposed that the manufacture, no less than the possession of the war-knife should be prohibited and made penal. The Government quite agree in this, and have accordingly modified Section I. of the original draft, dividing it into two sections, of which the first utterly interdicts the possession of the war-knife, and requires the surrender of all war-knives within the date to be fixed for the purpose; and the second attaches penalties to the possession, manufacture, sale, or purchase of the war-knife, with the confiscation of the knife itself wherever discovered. These Sections also include not only the war-knife, or ayudha cutty so called, but any similar weapon.

8. The Magistrate proposes to place all the blacksmiths in the interior under surveillance for some time after the passing of the Act, that the manufacture of the war-knife may be the more effectually prevented. This may be advisable, especially in parishes where the Moplahs reside in any numbers, and as a measure of administration and Police precaution; but it is not necessary to provide for it in the Act.

9. The Magistrate will consider himself authorized to pay a fair and liberal price for all war-knives or "similar offensive weapons" which may be brought in under the Proclamation.

10. With regard to the further restrictions necessary to be imposed

Digitized by Google

under the Act, the Governor in Council is led to agree with the Officers whose opinions he is now considering, that any interference as respects gunpowder is not called for and would be vexatious. The same observation will likewise apply to pistols, daggers, and spears. Thus the only weapons, the possession of which will need to be regulated, will be guns and swords. Section III. of the draft and the following Sections have been altered accordingly.

11. In Section V. authority has, as recommended, been given to the Magistrate to delegate to his European Assistants his power of causing search to be made for concealed war-knives, orunlicensed guns and swords.

12. It remains to be considered, whether the restrictions to be imposed by this Act shall be general or partial. The proscription of the war-knife, or any weapon resembling it, will be absolute and general throughout Malabar. As regards the other weapons to which the draft is meant to apply, the Right Honorable the Governor in Council is disposed to concur with the Magistrate, that the Act should be so framed as to admit of its being put in force, if necessary, throughout the whole District; but that its application to the several Talooks should be left to the discretion of the Government. For the present it will probably be sufficient, on the Act becoming law, to give effect to the provisions of Section III. only in the Talooks named by Mr. Conolly, viz., those largely inhabited by Moplahs, or which have lately been the scene of Moplah outbreaks.

13. With these remarks, the Government resolve to transmit the two draft Acts, revised on the above principles, to the Government of India, and to request that they may be passed into laws at an early date.

(Signed) T. PYCROFT,
Secretary to Government.

No. 715.

JUDICIAL DEPARTMENT.

FORT SAINT GEORGE 30*th November* 1853.

To

THE SECRETARY TO GOVERNMENT OF INDIA.

SIR,—I am directed by the Right Honorable the Governor in Council to submit for the consideration of the Government of India, the accompanying two draft Acts—I, for the suppression of fanatical outrages in Malabar and—II, for restricting the possession of arms in the same province.

Digitized by Google

2. In explanation of the circumstances which have led to the preparation of these Acts and of the necessity which there exists for special legislation on the subjects against which they are directed, I am at the same time desired to forward to you the report of the Special Commissioner deputed to investigate the causes of Moplah outbreaks in Malabar, and their remedies. The proceedings of this Government in review of that report, and the communications as per margin subsequently furnished by the local Officers upon these drafts, and in soliciting the particular attention of the Supreme Government to these papers, to request that the drafts now transmitted may become law at an early date.

From Special Commissioner, 25th September 1852, paras. 40 to 57 and 59 to 63.

Extract Minutes of Consultation, 23rd August 1853, paras. 14 to 29 and 35 to 40.

From Magistrate of Malabar, 10th October 1853.
From the Session Judge of Tellicherry, 13th October 1853.
From the Session Judge of Calicut, 18th October 1853.
Extract Minutes of Consultation, 30th November 1853, No. 714.

(Signed) T. PYCROFT,
Secretary to Government.

No. 27.

MAGISTRATE'S CUTCHERRY,
ON CIRCUIT FALLS, *28th December* 1853.

From F. N. MALTBY, Esq.,
Magistrate of Canara,

To T. PYCROFT, Esq.,
Secretary to Government, Fort Saint George.

SIR,—1. I have the honor to report for the information of the Right Honorable the Governor in Council, that Mahomed Hoossain Coyah embarked on the 16th instant for Bombay, on board the Kadry Salaamaty, pattamar.

2. I beg to annex a copy of a letter* which I addressed to the Superintendent of Police at Bombay, on leaving the vessel on which the party in question had taken his passage, and of one which I have this day addressed to the Secretary to Government, Bombay.

*Dated 15th December 1853.

3. The conduct of Mahomed Hoossain Coyah, while residing at Mangalore, was as far as I could discover, peaceful.

To be recorded.

Digitized by Google

Digitized by Google

1854.

Digitized by Google

Digitized by Google

No. 34 A.

CALICUT, 30*th September* 1853.

From H. V. CONOLLY, Esq.,

Magistrate of Malabar.

To T. PYCROFT, Esq.,

Secretary to Government, Judicial Department,

Fort Saint George.

In their Minutes of Consultation of the 23rd August 1853.

SIR,—1. I am ordered by the Government to give my opinion on a recommendation of the late Commissioner for Malabar, that the Government right to the property of Kalatil Keshawa Tangul, who was murdered by the Moplahs with all his family in 1852, should be relinquished in favor of the Poolery family.

2. Mr. Strange explains that the heads of the Kalatil and Poolery family were uterine brothers. The adoption of one (Keshawa) from the Poolery into the Kalatil family 20 years ago had created in a legal point of view a severance between the two brothers, and the *claims* which the Poolery family have attempted to substantiate to the property of the deceased Kalatil Tangul could not be maintained as a point of right.

They might, however, well (Mr. Strange thinks) be admitted as a matter of grace, partly in order to compensate the Poolery family for the losses which they had suffered from the death of Keshawa Tangul, and partly (if I understand Mr. Strange aright) in view to replace the "Hindoo Headship" which had been removed by the slaughter of the Tangul by his Moplah rivals.

If the estate become an escheat, Mr. Strange remarks, "the Moplah plotters of the outbreak will have gained the very end for which it was planned,"—"through the liberal and practically permanent tenures they can secure on a Government escheat, they will no doubt largely profit by the tract of country thus laid open to them."

3. I fully agree with Mr. Strange "that it will have an ill appearance that the Government should be gainers by so savage a crime as that which has extinguished the family in question," (the Kalatil); but am unable to join in the recommendation he has made in favor of the Poolery family—at all events to the same extent.

Digitized by Google

I do not say but that it would be graceful as well as liberal to put the family in as good a position as they would have been, had the outbreak in which the Kalatil Tangul and his heirs were exterminated not occurred; but this, I consider, would be fully provided for by making them a present to the amount of Rupees (6,000) six thousand. I see no sufficient reason for further indulgence to a family allowed to have no right, and think the rest of the property might be better disposed of, as explained lower down.

This is about double what my Head Sheristadar thinks needful, but I wish to take a liberal view.

The Tellicherry Court declined to give any judgment on this point in reference to my application of the 30th June 1852 (referred to by Government in the 46th paragraph of Extract from the Minutes of Consultation of the 23rd ultimo) on the ground, that it might prove an embarrassment in case any legal proceedings were instituted.

That, Mr. Strange is right in his view of the Poolery family having no claim, will be apparent from a perusal of the accompanying paper drawn up by Mr. W. Robinson.

4. The uterine brother (of Keshawa Tangul) who tried to substantiate the Poolery *claims* to succession before Mr. Strange, has since died of the small-pox; leaving as heirs two nephews, young men of the ages of 23 and 21.

Sons of an elder uterine brother. Besides these two young men there are three girls and a mother in the Poolery family.

5. Both these lads are, as Mr. J. Robinson remarks "below par" and neither of them is fit to be a "Hindoo Head," even if policy recommended our setting up such Head, which I doubt.

Prevention against Moplah aggression would, I think, be more securely guarded against by the escheated property being in the hands of Government than in those of a Hindoo marked out, and designedly so, as a rival of the neighbouring great Moplah family. This very position *might* lead to a recurrence of the awful tragedy which extinguished the former Head. It would at all events perpetuate personal feelings which it is for the good of the country should not be perpetuated.

That of Avolah, supposed by Mr. Strange, and I have no doubt properly so, to have been the originator of the outbreak.

6. The Government can use their own discretion as to whom they admit as tenants on their escheat. I think with Mr. Strange that the Government is so much more liberal a landlord than any native, that the people who had the opportunity of becoming its tenants would feel themselves far better off than they would have been as the tenants of the former landlord.

But I would not give this opportunity to any against whom there was the slightest cause for suspicion that they had been in any way sharers in the late outbreak.

Digitized by Google

At present no particular precaution is required, the estate is held by 224 old tenants, of whom 45 are Moplah and 179 Hindoo; none of these of course would be disturbed without due cause.

7. The rental they pay I would devote to some charitable purpose, and I know of none more to be recommended than that of education. The annual net amount that could be counted on would not be less than 1,700 Rupees, a sum which would enable us to set on foot a good school in any one of the principal stations, and impart some of that sound instruction which we may hope, would be one mode of lessening the unhappy class-feelings which have led to such lamentable excesses in Malabar.

See memorandum at the end of Mr. W. Robinson's report forwarded to Government, 5th March 1852.

MINUTE BY THE RIGHT HONORABLE THE PRESIDENT.

I have read this letter and its enclosure very carefully. The subject is an intricate and confused one. I see no opinion of the Tellicherry court as to the title of Government to the Kalatil property; and I consider that Government should not offer any opinion without it. Indeed notwithstanding the adverse views of Messrs. Conolly and Robinson, I am in favor of the pretensions of the Poolery family, if the Government are alone to be the losers.

(Signed) HENRY POTTINGER.

7th November 1853.

MINUTE BY THE HONORABLE D. ELIOTT, Esq.

It is clear to me from Mr. Strange's report, as well as from Mr. Conolly's and Mr. Robinson's, that the Poolery family have no claim to the Kalatil estate. When I first read this letter from Mr. Conolly, I could not understand why, entertaining this view, he recommended a donation to them to the amount of 6,000 Rupees. On referring to Mr. Strange's letter, however, I find it stated that they derived assistance from the late Kalatil proprietor, which aid being cut off by his death, may have thus suffered loss, while their own property was injured in the outbreak, in which he lost his life. It is by way of compensation for these losses that the donation is recommended. I do not think, that

Digitized by Google

under the circumstances of the case, the Court would have been warranted in entertaining the Collector's application, under Act XIX of 1841. On the whole, I agree in the views here expressed by Mr. Conolly.

24*th November* 1853. (Signed) D. ELIOTT.

MINUTE BY THE HONORABLE J. F. THOMAS, Esq.

Considering all the circumstances, and that if this property is not again vested in a Hindu family, the Moplah outbreak will have effected its object in part, I am disposed to oppose the Commissioner's views.

(Signed) J. F. THOMAS.

JUDICIAL DEPARTMENT.

No. 1.

Extract from the Minutes of Consultation, under date the 4th January 1854.

Read the following letter from the Magistrate of Malabar.

(Here enter 30th September 1853, No. 34 A.)

From Commissioner, 28th Septr. 1852, paras 6—10.

1. The Right Honorable the Governor in Council has carefully considered the views held by the Commissioner and by the Magistrate of Malabar, relative to the disposal of the property of Kalatil Keshawa Tangul, whose whole family was exterminated in the Moplah ouretbak of 4th January 1852.

2. There seems to be no question that, as agreed by Mr. Strange, Mr. Conolly, and Mr. Robinson, the Kalatil and Poolery families are wholly distinct, and that the latter have of right no claim whatsoever to inherit the property of the former, which in the absence of all heirs must be regarded as an escheat, and as vesting absolutely in the Government. Any concession made to the Poolery family must, therefore, be regarded as an act of grace and favor, and it is not improbable that the measure recommended by the Magistrate, or that of presenting them with the sum of Rupees 6,000 would sufficiently repair any loss which they may have sustained by the extinction of the Kalatil branch. But the question, should it appear to Government, be decided by other considerations, and looking to what has been urged by the Commissioner and especially to his argument that if the property were to be treated as an escheat to the State the Moplahs would, in part, at least

Digitized by Google

have attained the very object for which the atrocious massacre of 4th January 1852 was perpetrated, they feel it incumbent on them to follow the course recommended by that Officer. The Governor in Council is not only reluctant that the Government should derive any benefit from the perpetration of so foul a crime; but he deems it of importance to show to the Moplahs in the most unmistakeable manner that their atrocities shall be as profitless to themselves as they are revolting to humanity; with these ideas, he desires that all the property, real, and personal, left by the late Keshawa Tangul, be made over absolutely to the Heads of the Poolery family.

(Signed) T. PYCROFT,
Secretary to Government.

TANOOR, *27th January* 1854.

No. 4.

From H. V. CONOLLY, Esq.,
Magistrate of Malabar.

To T. PYCROFT, Esq.,
Secretary to Government, Judicial Department,
Fort Saint George.

SIR,—In forwarding the accompanying copy of a letter from the Joint Magistrate of Cochin, I beg to express my hope that the Government will think he exercised a sound discretion in sending off the two Arab priests* to Arabia, at a cost of 150 Rupees.

Dated 24th January 1854.

* Imbitchy Coyah. Abdool Coyah.

I enclose copy of my letter to Mr. Cullin, of the 26th December 1853, on which he states, he came to his determination.

I believe that the Arabs had spent the little money they were possessed of, on coming to Malabar, and that they could not have paid for a passage back to Arabia themselves. I had thought it probable, however, they would have been afforded one from the charity of their co-religionists.

The cost of sending them to Salem, and there defraying their expenses, would soon have amounted to the sum which has now been paid for their forced passage to Arabia. Their reception in Malabar (they have now been more than a month in jail in Cochin) may be of use in deterring others from following their example.

Digitized by Google

ORDER THEREON, dated 17th February 1854, No. 118.

The Right Honorable the Governor in Council approves the measures taken by the Joint Magistrate of Cochin, for sending the two Moplah priests back to Arabia, and sanctions the expenditure of Rupees (150) one hundred and fifty, incurred for that purpose.

FORT SAINT GEORGE, *17th February* 1854.

(Signed) T. PYCROFT,
Secretary to Government.

No. 18, A.

Extract from the Proceedings of the Sudder Udalut, under date the 13th February 1854.

Read again Extract from the Minutes of Consultation, under date the 23rd August 1853, No. 483, communicating an Extract from a Report from the late Special Commissioner in Malabar, dated the 25th September 1852, containing suggestions on the subject of tenant rights and the tenure of family property in Malabar.

Read also letter, under date the 20th October 1853, from the Civil Judge of Tellicherry.

Read also Extract from the Minutes of Consultation, under date the 15th November 1853, communicating a report from the Collector and Magistrate of Malabar on the suggestions contained in paragraph 68 of the late Special Commissioner's letter, under date the 25th September 1852, and requesting the Judges to advise Government of any instructions that may be issued by them on the subject.

Read also letter, under date the 14th December 1853, from the Civil Judge of Calicut.

1. In the report, of which an Extract was communicated to the Court of Sudder Udalut, with the Extract from the Minutes of Consultation, under date the 23rd August last, the late Special Commissioner draws attention to certain points upon which he considers that a declaration of the rules to be observed might advantageously be promulgated

Digitized by Google

by the Sudder Udalut, with a view to ensure the recognition of the principles upon which the landed tenures in Malabar are based; and which, he states, have not always been duly attended to by the local Courts. The first point noticed by the Special Commissioner is the right vested in the tenant, according to ancient usage in Malabar, to retain the land for twelve years under certain reservations, " as when the landlord, " if a Rajah, dies, when he should renew with his successor, or when " the landlord requires more money on the land, and the tenant will " not provide it and it is obtainable from another, or when rents are " not paid." The next point upon which the Special Commissioner considers that a practice has grown up inconsistent with the current usage of the country, is the liability of family property for debts contracted by individual members of it, other than the Karnaven or managing member; the idea having been introduced, " that a joint share in property " involves a number of individual shares, any of which may be divided " off from the estate and forfeited to a creditor of the supposed indivi- " dual shareholder; whereas, the theory of a Hindoo family in Malabar " is, that the head thereof has entire control therein; that his signa- " ture alone can be taken for any exigencies of the family, for the due " support of the whole of whom he is responsible; and that the property " is vested in him for the common good of all, and is indivisible."

2. The Special Commissioner further advocates the enforcement of such a system of registration as would assure to landholders, whether proprietors or mortgagees, the integrity of their tenures, and prevent their rights being nullified by fictitious titles asserted against them.

3. It appears from the letter of the Civil Judge of Tellicherry, under date the 20th October last, to whom, as well as to the Civil Judge of Calicut, the extract from the Special Commissioner's report was referred, that in the Zillah of Tellicherry the rights of tenants holding on a lease under condition of improvements are fully respected; and that no right of ejection on the part of the landlord within the customary period of twelve years, is recognised by the Courts, otherwise than on failure of payment of the stipulated rent, or for other admissible reasons to which the Special Commissioner has adverted. In regard to the question of the divisibility or otherwise of the property of a family for the liabilities of an individual member, the Civil Judge of Tellicherry states that although a rule permitting such a division has, in some instances, been recognized in the late Provincial Court, and also by the Court of Sudder Udalut, the correct rule has been clearly laid down

Digitized by Google

in the Proceedings and Decrees of the Court of Sudder Udalut noted in the margin,* in accordance with which, all contracts entered into by the managing member of a family, with the exception of the permanent alienation of landed property, which cannot be effected without the written concurrence of the principal junior members, are presumed to be made on the part of the family collectively, and are binding as regards the entire property; and in the event of a party seeking to set aside any such contract on the ground of fraud, or declared dissent on the part of the family in general, the onus of proving such plea rests with the party desirous of invalidating the acts of the head of the family.

* Sudder Udalut Proceedings, 6th March 1843, paras. 11 and 12
Appeal Suits, No. 69 of 1844.
Special Appeal Suit, No. 38 of 1852.

4. As regards the liability of family property for the debts of a junior member, the same Officer observes that the principle laid down by the Court of Sudder Udalut in their decree in Special Appeal Suits Nos. 15 and 27 of 1850, as respects undivided Hindoo families in general, is equally applicable to the family communities of Malabar; and unless the party seeking to enforce such contract against the family can establish the fact of the junior member having acted in some instances with the deligated authority of the Karnaven or managing member, the debt should be considered of a strictly private and personal nature; and no claim on the family property, or any portion of it should be admitted by the Courts.

5. Adverting to the uncertainty in Malabar, which at present prevails, with regard to questions of possession of landed property, whenever the fact of such possession is a point in issue in a suit, owing to the distribution of annual puttahs not being customary in the District, Mr. Frere suggests that the difficulty might, in some measure be met, if in the receipts for niggady, or Government revenue, granted by the village authorities, the names of the parambas or rice fields for which the amount may be paid, were stated, in addition to those of the parties by whom it is paid, and in whose names the lands are registered respectively.

6. The Civil Judge of Calicut is of opinion, on the first point adverted to by the Commissioner, that the real root of the evils complained of, is to be sought, not so much in the neglect by the Courts of the local rules which govern the landed tenures of the District, as in the vagueness of the rules themselves, in regard to the various fines and losses leviable by the landlords upon their tenantry, as well as in the very loose way

Digitized by Google

in which leases of the kind, under discussion, are every where drawn up in the Zillah of Calicut; and he advocates extensive alterations in the forms in which such deeds are executed, with a view to remedying the defects adverted to.

7. In regard to the theory of a Hindoo family in Malabar, and the liability of property belonging to it for all contracts entered into by the managing member, the Civil Judge concurs with the Special Commissioner, and recommends that a declaration of the law should be promulgated; the Courts having "in numerous individual instances, either overlooked or ignored its existence."

8. The Collector of Malabar in a letter addressed to Government, which has been communicated to the Court, with the Extract from the Minutes of Consultation under date the 13th November last, expresses his concurrence generally in the observations of the Special Commissioner on the two principal points noticed by him, and in order to prevent the frequent departure from the spirit and intention of the old laws, which fix twelve years as the proper duration of a lease, he suggests the enactment of a law, similar to that contained in Section VII. Regulation XXX. of 1802, rendering compulsory the execution by the Jenmies of written receipts for every thing received by them from their tenants or mortgagees, and prohibiting the collection by them of any assessment or tax not authorized by the terms of their deeds of lease or mortgage. The Collector also adverts to the rules which regulate the rates of payment for improvements made by the tenants, as not providing sufficiently for the reimbursement of the tenant, with reference to the increased value of property.

9. Adverting to the remark in the Extract from the Minutes of Consultation under date the 23d August last, that "it may possibly be "desirable to interfere by legislative enactment, so as to fix some terms "to the landlord's indefinite paramount rights over the tracts of waste "land and forest, to which he now lays claim;" the Collector observes that "the injury which these paramount rights have certainly a tendency "to produce, is in a measure neutralized by the universally acknowledged "practice of the country. All land in Malabar, as I remarked in a "memorandum drawn up for Government in 1840, is strictly private "property, and the rights of the Jenmakar, or proprietor, are held to be "inalienable, whether it be cultivated, or whether it be left waste. So "far is this carried, that it is laid down by the standard authority on all

Digitized by Google

"matters relating to the land tenures of Malabar (Major Walker), that "should a person bring into cultivation a piece of waste ground which "appeared to have no claimant, the owner on making his appearance "after any lapse of time, would have a right to resume his property, "paying for the improvements that had been made. Extensive and "unbounded indeed, as these rights at first appear, they have their "limits. A man is not allowed to keep "his land waste, unless he agree to pay "the Government the tax they would "derive from its cultivation. Should he "decline to do this, the land is delivered "over to any person who will undertake to till it; a specification being "made; that out of the profits deducible from its cultivation, a certain "portion (about 15 per cent.) shall be given to the proprietor as the "landlord's share."

That is, if A, a stranger, applies to the Authorities for leave to reclaim waste (as is constantly done), B, the landlord of that waste, cannot bar A's purpose, except by taking the responsibility himself.

"The only practical difficulty which has presented itself in this "matter, is that alluded to in my letter to Mr. Strange of the 10th Sep- "tember 1852. In which I have shown that Hindoo landlords have at "times attempted to hinder the location of Moplah cultivators on waste, "by preventing them from acquiring in fee simple so much ground as "would suffice for a mosque and burial ground."

"But such cases are not frequent, and I would fain hope that the "personal representations of the European local authorities will be "found sufficient to induce the landlords to listen to reason, without the "necessity of any extraordinary interference on the part of Government."

10. The Court of Sudder Udalut fully concur with the late Special Commissioner, and the Officers whose views have been stated in the foregoing paragraphs, as to the inexpediency of any departure by the Courts from the ancient usages which regulate the relations of landlord and tenant, and the liabilities of families governed under the law of Maroomakatayam in Malabar, and they resolve to enjoin upon the several Judicial authorities in that Province that they be careful to give effect to all such usages in their decisions.

11. In all cases in which tenants on taking leases of rice land may have paid a fine to the landlord, the title which this gives the tenant to a definite term for his lease should be invariably upheld, notwithstanding that such terms may not have been expressed in the lease; and as regards peramba lands, the tenant's right to occupancy for a term of years should be respected wherever such right obtains.

12. The Court of Sudder Udalut do not deem it expedient to

Digitized by Google

recommend the enactment of a law, such as that advocated by the late Civil Judge of Calicut, requiring that all leases should contain full particulars of the conditions for which they provide, and of the exactions to which the lessees are liable, or that mortgage deeds should specify the full sum advanced by the mortgagee. There are minute peculiarities of usage connected with these matters on which it would be difficult to legislate without disturbing long existing prejudice and feeling.

13. In the opinion of the Court, a revision of the rules which regulate the rates of reimbursement for improvements effected by tenants to lands held by them on Kooyikanum tenure, so that the rate should be according to the actual value of the products planted by the tenants, and not the nominal value fixed by usage, which is far below the actual value, would be very desirable; but this is a point which affects long established usage, and with which consequently it would not be expedient for the Legislature to interfere.

14. In regard to the liabilities of families governed by Maroomakatayam usage, the Court deem it proper to observe that it is clearly an error to presume that each member of a family is possessor of an individual share in the estate available for the discharge of his debts; the rule being that in all such families, the family property is only liable for obligations incurred by the head of the family, and for its uses.

15. The only remaining point adverted to in the Special Commissioner's Report, is the want of a general system of registration, and as some remedy for this want, which undoubtedly is much felt in Malabar, the Court of Sudder Udalut resolve to recommend to Government that the Collector be directed to require that all receipts for revenue shall specify the names of the lands for which the payment is made, that of the party on whose account it is made, and that of the occupant of the land. If this precaution be adopted, the Court anticipate that the difficulty which is now so often felt in determining questions of possession will be materially decreased.

Ordered that Extract from these Proceedings be forwarded to the Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Honorable the Governor in Council.

Ordered also, that Extract from these Proceedings be sent to the Civil Judges of Calicut and Tellicherry, for communication to the several Judicial authorities in those Zillahs.

(True Extract).

(Signed) A. J. ARBUTHNOT, *Acting Register.*

To the Secretary to Government, Judicial Department.

Digitized by Google

JUDICIAL DEPARTMENT.

Extract from the Minutes of Consultation, under date the 23rd March 1854, No. 221.

Read the following Extract from the Proceedings of the Sudder Udalut.

(Here enter 13th February 1854, No. 18, A.)

1. The Right Honorable the Governor in Council approves the instructions addressed by the Judges of the Court of Sudder Udalut to the Judicial authorities in the Zillahs of Calicut and Tellicherry on the subject of tenant rights, and the tenure of family property in Malabar.

2. The Governor in Council resolves to call upon the Collector of Malabar, through the Board of Revenue, for his opinion on the suggestion emanating from the Civil Judge of Tellicherry and supported by the Court of Sudder Udalut, viz., that, as some remedy for the want of a general system of registration in Malabar, it be required, that all receipts granted for payment of revenue in that District shall specify the names of the lands for which the payment is made, that of the party on whose account it is made, and that of the occupant of the land. Should the Collector be of opinion that this suggestion may be adopted, he will state whether the receipts might not be according to printed forms, with columns, showing the several particulars above noticed.

(Signed) T. PYCROFT,
Secretary to Government.

No. 414.

FORT WILLIAM, 31*st March* 1854.

From C. ALLEN, Esq.,
Officiating Secretary to the Government of India.

To T. PYCROFT, Esq.,
Secretary to the Government of Fort St. George.

Home Department, Judicial.
* No. 715, 30th Nov. 1853.
No. 769, 23rd Dec. „

SIR,—I am directed to acknowledge the receipt of your letters, of the Nos. and dates noted in the margin,* the former submitting two Draft Acts (1) "For the suppression of outrages in the District of Malabar in the Presidency of Fort Saint George;"

and (2), "For restricting the possession of Arms in Malabar;" and the latter conveying the recommendation of the Government of Madras in favour of the organization of a Local Police Corps in Malabar, with the view of suppressing the Moplah outbreaks in that Province, at an aggregate of Rupees 1,628 per mensem.

2. After a careful and attentive perusal of the papers submitted, it appears to the Governor General in Council that the Acts proposed by the Government of Fort Saint George should be passed. They have been accordingly read for the first time this day, and I am directed to forward four copies of the Draft Acts, as published for general information, for such observations on their provisions as may appear to the Madras Government to be called for.

3. The Right Honorable the Governor in Council will perceive that some slight alterations have been made in these Draft Acts, and that the word "fanatical" has been struck out throughout.

4. In the first Act, Section I. has been altered, which, as drawn, appeared to the Governor General in Council to extend to offences already committed. His Lordship in Council thinks there is no necessity for making the Act *expost facto*, and he does not think it was the intention of the Government of Madras to make it so. As both the Acts are required to meet a particular emergency and confer extraordinary powers, His Lordship in Council is of opinion that their duration should be limited, and has accordingly inserted the period of five years as the limit. Within that period it is hoped that these fanatical outrages will be entirely suppressed by means of the increased powers conferred upon the Government of Madras and the Judicial authorities, and by the establishment of the proposed Police Corps, and that the continuance of the Acts will be no longer necessary. If, however, such should not be the case, the Acts, I am directed to state, can be easily renewed. By limiting their duration, the necessity for their continuance as well as the nature of their operation and effects, will have to be considered by the Supreme Government, which, His Lordship in Council is of opinion, is desirable in the case of Acts of this nature.

5. His Lordship in Council is not aware what persons it was intended to include under the word "community" in Section V.; nor in what way it was intended to prove the offence against a "community,"

Digitized by Google

and he would be glad to know the reasons which induced the insertion of the word, as without it every individual connected with the offence can be punished.

6. Referring to the proposed organization of a Local Police Corps in the Province of Malabar, which forms the subject of your letter dated the 23rd December last, now under acknowledgment, I am directed to inform you that under the circumstances represented, the Most Noble the Governor General in Council has been pleased to sanction the measure at an aggregate cost not exceeding Rupees 1,628* per mensem, subject, however, to the substitution of Native for "European" Non-Commissioned Officers, for the reasons stated by the Honorable the Court of Directors in paragraph 15 of their Despatch in the Judicial Department, to the address of the Government of Fort Saint George, No. 1, dated the 4th January last.

	Rs.
*1 Commanding Officer (Civil allowance)	200
1 Adjutant Do.	100
2 Subadars, at 25 Rs. each	50
2 Jemadars, at 15 Rs. each	30
12 Havildars, at 10 Rs. each	120
12 Naiques, at 8 Rs. each	96
2 European Serjeants, at 30 Rs. each	60
1 Serjeant Major...	60
2 Buglers, at 6 Rs. each	12
150 Privates, at 6 Rs. each	900
Rupees...	1,628

JUDICIAL DEPARTMENT.

Extract from the Minutes of Consultation, under date the 16th May 1854, No. 352.

Read the following letter from the Officiating Secretary to the Government of India.

(Here enter 31st March 1854, No. 414.)

Resolved that the sanction of the Government of India conveyed in the above letter for the establishment of a local Police Corps in Malabar, be communicated for the information and guidance of the Magistrate of that District, with reference to Extract Minutes of Consultation, 23rd December 1853, No. 768, and also to the Offices of Account and Audit, and to the Military Department.

Digitized by Google

2. Early measures will be taken for raising and organizing the Police Corps thus sanctioned in the manner and on the principles laid down in Extract Minutes of Consultations, 23rd August, 1st November and 23rd December 1853, Nos. 483, 649 and 768, and the Honorable Court's Despatch, 4th January 1854, No. 1.

Vide para. 4, Ext. Mins. Con. 1st Nov. 1853, No. 649.

Para. 42.

Paras. 15 and 16.

Ordered that the following letter be despatched.

(Signed) T. PYCROFT,
Secretary to Government.

JUDICIAL DEPARTMENT.

No. 353.

To C. ALLEN, Esq.,

Officiating Secretary to the Government of India.

SIR,—I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your letter of the 31st March last, No. 414, forwarding for such observations as this Government might be disposed to offer two Draft Acts "for the suppression of outrages in Malabar" and "for restricting the possession of Arms in the same District."

2. The Governor in Council has had under his consideration the alterations introduced into these Drafts and referred to in paragraphs 3 and 4 of your letter, and is quite prepared to acquiesce in them. As supposed by the Government of India, it was not the intention of this Government that the first mentioned Act should have retrospective effect. It was meant to be brought into operation only on the recurrence of such outrages as those which have called for its enactment. The Governor in Council also concurs with the Supreme Government that it will be sufficient to limit the duration of both Acts in the first instance to the period of five years, it being open to the Government of India to renew them on the expiration of that term, should the necessity for them unhappily continue.

3. In regard to the information required in paragraph 5 as to the reasons which induced the insertion of the word "community" in Section V. of the Draft "for the suppression of outrages," I am directed to explain that the Government have been led to conclude from the reports of the

Digitized by Google

late Special Commissioner that the privity to or connivance at such enormities on the part of the community, that is of the Moplah body in a certain locality, might be inferred from circumstances. Instances had occurred, as in the murder of the aged Brahmin, the Kolatur Warriar, and the destruction of his records, in which a large body of Moplahs of the neighbourhood calmly looked on during the perpetration of atrocities which they might easily have prevented. In other cases the designs of the fanatics, their preparations for an outbreak, and devotion of themselves by prayer and fasting to the cause, must have been perfectly well known for some time to all the Moplah residents in their villages, who by timely notice to the Police authorities might have prevented any ill consequences. The object of including the "community" in Section V. is to meet such cases as these, and to punish such body of Moplahs collectively, rather than touch individuals, and thereby to enlist the fears and interests of every Moplah in the village on the side of order. For more distinct explanation on this point to which the Madras Government still attach much importance, I am desired to refer to paragraph 51 of the Special Commissioner's Report of the 25th September 1852, and to paragraphs 23 and 24 of the review of it by this Government, under date 23rd August 1853.

Paragraphs 12 and 34 of Mr. Collett's Report, 20th September 1851, in Magistrate's letter 30th September 1851, No. 38, and Extract Minutes of Consultation, 20th November 1851, p. 15—sent to Government of India, 27th March 1852.

4. Early measures will be taken for the organization of a local Police Corps in Malabar, under the sanction conveyed in paragraph 6 of your letter.

(Signed) T. PYCROFT,
Secretary to Government.

No. 862.

JUDICIAL DEPARTMENT.

Extract from the Minutes of Consultation, under date the 28th November 1854.

The Right Honorable the Governor in Council observes that the Acts for the suppression of outrages and for prohibiting the possession of certain offensive weapons in the Province of Malabar, Nos. XXIII. and XXIV. of 1854 have been passed and promulgated for general information.

Digitized by Google

2. The translations of these enactments into the Malyalum language have been furnished by the Malyalum Translator to Government. The translations are being printed, and 1,000 copies of each will be sent to the Magistrate of Malabar with all practicable expedition.

3. The first of the Acts No. XXIII. is to take effect only, wholly or in part, in the event of the Province of Malabar being subjected to, or threatened with a recurrence of the atrocities which have occasioned resort being had to special legislation. It will, however, be proper that its provisions, and the penalties which may be incurred under them should be fully known to, and comprehended by all the people of Malabar, and by the Moplahs more especially. The Governor in Council therefore directs that the Magistrate and his Assistant will take every means to ensure the most ample publicity being given to the Act. Copies of the Malyalum version should be distributed to all the Heads of Police, and Chief Police Officers, to the Adigaries, Moplah and Hindoo, of all the villages throughout Malabar, that the people may be fully made aware of the increased powers given by the Law.

4. The second Act or that for prohibiting the possession of certain offensive weapons, *i. e.* the ayudha cutty, war-knife, or similar weapon, in Malabar is to have immediate effect, and the weapons are to be surrendered within a date to be appointed, and "according to such orders as shall be published on that behalf by the Magistrate." The Right Honorable the Governor in Council desires that Mr. Conolly will report to Government after careful consideration, and consulting with the European Covenanted Officers of the Province, and such of his own Native servants whose opinion is most worthy of confidence, the date on which the Act should come into operation and the arrangements under which it should be carried out. He will also forward to Government for their approval, the draft of a Notification in English and Malyalum, announcing the date within which, and authorities to whom the war-knives must be surrendered; and calling on all persons to deliver them up, on payment of their value, by the time prescribed. The Notification, which should be in the plainest and most simple language, and level to every capacity, should acquaint the people with the object that the Government have in view in the interdiction of the war-knife. It should inform them that is was not the desire of Government to interfere with the customs of the country,

Digitized by Google

nor to deprive its inhabitants of the means of defending themselves against the attacks of robbers or wild animals, or of reclaiming the jungles; but that the war-knife was not needed for these or any other lawful uses, and had been employed only as the instrument of ferocious and sanguinary attacks on the peaceful and unoffending; and that the Government having resolved by the exercise of every means at their command, and of the large powers specially given them by the Law for the purpose, to free the Malabar District from the disgrace of such outrages for the future—had determined at once and utterly to proscribe the weapon with which so many of these foul murders had been wrought, which was useless for good purposes, and available only in the service of crime.

(Signed) T. PYCROFT,
Secretary to Government.

No. 870.

JUDICIAL DEPARTMENT.

Extract from the Minutes of Consultation, under date the 2nd December 1854.

1. One thousand copies of the Malyalum translations of Acts XXIII, XXIV of 1854 having been printed, the Right Honorable the Governor in Council resolves to forward them to the Magistrate of Malabar for distribution in the manner indicated in Extract Minutes of Consultation, 28th November 1854, paragraph 3.

2. The Magistrate will report to Government his opinion, whether the two Acts should be circulated at once, and simultaneously; or should be distributed at the same time with the Notification for the surrender of the war-knife which is to be promulgated after it has received the approval of Government; or again, whether Act XXIII. should be circulated at once, and Act XXIV, with the Notification.

(Signed) T. PYCROFT,
Secretary to Government.

Digitized by Google

No. 38.

CALICUT, 4th *December* 1854.

From H. V. CONOLLY, Esq.,
Magistrate of Malabar.

To T. PYCROFT, Esq.,
Secretary to Government, Judicial Department,
Fort Saint George.

SIR,—I have the honor to inform you, that I had anticipated the orders of Government, as contained in the Extract of the Minutes of Consultation, under date the 28th ultimo.

2. On the promulgation of the Acts in the Fort Saint George Gazette of the 17th ultimo, I lost no time in having translations made, which I circulated through all the Districts, but in especial profusion in the Moplah Talooks.

I, at the same time, signified my intention of proceeding into those Moplah Talooks, in view to receiving war-knives and paying for them in person.

I made other subsidiary arrangements, communicating with many of the principal people resident in the Talooks, and explaining to them the exact views of the Government (as expressed in the Minutes of Consultation under reply) in taking away the war-knife from all classes.

3. I have every reason to believe there will be no difficulty in carrying out the Act, and that I shall be able, by the end of this month, to report that much has been done in prosecution of it.

4. I leave Calicut in accordance with my published intentions, in a couple of days. I feel sure the Government would not wish me now to draw back and wait for further orders. They may rely on my acting with discretion.

No. 911.

JUDICIAL DEPARTMENT.

Extract from the Minutes of Consultation, under date the 15th December 1854.

Read the following letter from the Magistrate of Malabar.

(Here enter 4th December 1854, No. 38.)

The Right Honorable the Governor in Council is gratified at learning from the above letter that the Magistrate of Malabar "has

Digitized by Google

every reason to believe that there will be no difficulty in carrying out Act XXIV. of 1854."

2. The Government will leave it to the Magistrate to proceed with his arrangements for procuring the surrender of the war-knife, in full reliance on his discretion. They do not, however, clearly gather from his letter whether he has, as required by the first Section of the Act "appointed the date" on or before which the knives are to be delivered up. A formal announcement of this date is necessary to enable the provisions of Section II. to take effect, and if it has not yet been notified it should be proclaimed immediately. The proclamation should run in the name of the Magistrate under the orders of the Right Honorable the Governor in Council.

(Signed) T. PYCROFT,
Secretary to Government.

No. 45.

CALICUT, *28th December* 1854.

From H. V. CONOLLY, Esq.,
Magistrate of Malabar.

To T. PYCROFT, Esq.,
Secretary to Government, Judicial Department,
Fort Saint George.

SIR,—In reference to my letter of the 4th instant, No. 38, I have the honor to inform you that in a tour through the heart of the Talooks of Ernaad, Wolawanaad and Shernaad, I have collected 2,725 war-knives.

From Ernaad.........	931
From Wolawanaad....	909
From Shernaad.......	885
	2,725

2. I found at first considerable apprehension amongst the lower orders as to my real, or at least full intentions in carrying out Act XXIV. of 1854.

Digitized by Google

A suspicion existed that more was meant than had been expressed, and that it was an object with me to get at a knowledge of the *individuals* who had war-knives (as well as to get the knives themselves) in view to ulterior proceedings against them.

Under this idea some of the more ignorant and of those who felt themselves to lie open to suspicion as regarded general character, destroyed or broke up their knives.

The iron of a few broken knives was brought in subsequently (in pieces) when confidence was more restored.

But I did my best to dispel mistrust by sending out Proclamations and personally assuring the people that one great aim in coming personally to carry out the Act was to assure myself and them that every thing was conducted properly, and that a "fair and liberal" price was paid for all war-knives brought in. My desire for names was to see that the rightful owner got what was due to him. There was no offence in having had a war-knife hitherto; the offence would be in keeping one hereafter.

These assurances, and the experience of my paying at the moment and without question for every war-knife produced, had a good effect, and I doubt not that the bulk of the war-knives in these three Talooks have come into my hands. The remainder, with few if any exceptions, will, I think, be brought in to my Special Assistant, Mr. Collett, or the Tahsildar of each Talook by the end of January next, a date which I have fixed on as the latest on which war-knives will be allowed to remain in private hands. I gave this respite (which applies to the whole district), after consultation with the local authorities, and in special reference to the cases of parties who may be temporarily absent from Malabar. Many of the lower orders and of the Moplahs in particular visit Mysore and Coimbatore as petty traders and coolies.

3. I took the precaution of having before me at different stations all the country Blacksmiths, and warning them fully and carefully of the penalties to which they would make themselves subject in case they manufactured or mended any war-knives in future. I then made them over to the charge of their nearest Mokistuns (chiefmen), who pledged themselves to see that the Blacksmiths did not disobey orders. It was particularly explained that these orders only affected war-knives or similar offensive weapons, and were in no way intended to interfere with other branches of the Blacksmiths' trade.

4. I shall write further early in February.

Digitized by Google

No. 22.

JUDICIAL DEPARTMENT.

Extract from the Minutes of Consultation, under date the 9th January 1855.

Read the following letter from the Magistrate of Malabar.

(Here enter 28th December 1854, No. 45.)

1. The Right Honorable the Governor in Council quite approves the steps taken by the Magistrate of Malabar for procuring the surrender of the war-knives, as reported in the above letter, and considers them to have been very judicious.

2. From the passage of the letter noted in the margin, the Government infer, though it is not explicitly so stated, that the Magistrate has, as directed by Extract Minutes Consultation of the 15th ultimo, "appointed" by formal Proclamation "the day" within which the knives are to be given up and after which the penalties prescribed by Section II. Act XXIV. of 1854 will be incurred. He will, however, report distinctly whether this has been done.

"The end of January next, a date which I have fixed on as the latest on which war-knives will be allowed to remain in private hands."

(Signed) T. PYCROFT,

Secretary to Government.

Digitized by Google

1855.

Digitized by Google

Digitized by Google

No. 1.

CALICUT, *15th January* 1855.

From H. V. CONOLLY, Esq.,
Magistrate of Malabar.

To T. PYCROFT, Esq.,
Secy. to Govt., Judical Dept., Fort Saint George.

SIR,—In reply to Extract from the Minutes of Consultation, No. 22, dated 9th instant, I have the honor to state that as presumed by the Government, I have appointed the 31st instant, by formal proclamation*, as the day within which the knives are to be given up, and after which the penalties prescribed by Section 2, Act XXIV, of 1854, will be incurred.

* Dated Tiroovangady, 21st December 1854.

No. 7.

CALICUT, *20th February* 1855.

From H. V. CONOLLY, Esq.,
Magistrate of Malabar.

To T. PYCROFT, Esq.,
Secy. to Govt., Judicial Dept., Fort Saint George.

SIR,—In continuation of my letter of the 28th December last, No. 45, I have the honor to report that 7,561 war-knives were brought in by the 31st ultimo, and that I believe that few, if any more, are to be found in the country.

Shernad	920
Ernad	988
Wollowanad	944
Betutnad	677
Cootnad	454
Coormbernad	225
Cartenad	67
Wynaad	30
Cotyam	268
Cherakul	154
Caway	82
Paulghat	404
Temalpooram	242
Nedinganad	807
Chowghat	114
Cochin	1
Calicut	* 1,184

* About 400 of this number were collected from the Rajahs and principal Hindoos in the town of Calicut itself.

With Hindoos	1,905
With Moplahs	947

2. The talooks in which the largest number of knives were found, were those in which fanatic disturbances have prevailed, Shernad, Ernad, and Wollowanad.

3. The proportion in the hands of the Hindoos and Moplahs was in proportion to their respective populations. In all the other talooks the knives were chiefly with the Hindoos. They were found in greater numbers in the talooks which bordered on the suspicious ones, viz., Nedinganad, Betutnad, and Calicut.

Digitized by Google

In some talooks the war-knife was comparatively unknown. This was especially the case to the northward. In Cotyam, where the fearful fanatic tragedy occurred in 1852, there were but 268 knives, 35 of which alone were in the possession of Moplahs. Mr. Sandeman, my late Head Assistant, made a careful and lengthened inquiry throughout the talook, and was fully convinced, as were his Hindoo officials, that the war-knife was a foreign and little known weapon amongst the Moplahs. It is affirmed, and I believe with truth, that the knives with which the fanatics committed their murder in 1852 were brought from Shernad, where they had made a previous pilgrimage.

See para. 24 of Mr. W. Robinson's letter, dated 25th February 1852, forwarded with mine of the 5th March.

3. I was not so much surprised to find this paucity of Moplah knives in the talooks where the Hindoos and Moplahs have lived without outbreaks; but I certainly had expected to find more knives in the possession of Moplahs in the localities where there has been so much ill-blood between them and their Hindoo neighbours.

My impression on this point was that of the late Commissioner's, and indeed of every person with whom I have spoken on the subject generally.

4. I do not believe, however, that there has been any reservation of weapons on the part of the Moplahs.

Some, as I mentioned in my letter of the 28th December last No. 45, were no doubt broken up.

The Moplah authorities were too much interested in seeing the orders of Government carried out to wink at any evasion of them. The knowledge of the penalties involved in Act XXIII, which was made public shortly after Act XXIV, was, I feel certain, sufficient to lead all the better order of Moplahs to do their best to get rid, so far as in them lay, of all aids to outbreak. They not only gave up their own knives, but induced their poorer neighbours to give theirs also.

5. The fact I imagine is, that there was a general though natural exaggeration as to the number of weapons possessed by the Moplahs.

A hundred knives in a time of excitement and fear would easily swell by common rumour to 1,000.

The Hindoos, as the parties influenced by apprehension of fanatic excess, kept their knives in view to defence from the Moplahs.

The Moplahs, who had of course no such fear, kept war-knives in less numbers, and the more so, that it was always in their power to take such as they wanted out of the hands of their timorous neighbours.

6. The Hindoos of Malabar all live in detached houses. A few determined fanatics would find it an easy affair to make any solitary person give up a weapon, which he could only attempt to retain at the imminent risk of life.

Digitized by Google

A large number of the Hindoo war-knives were in the hands of very poor and common people. They must have been made and kept on some undefined and infectious dread, for the cases in which a poor Ryot was likely to suffer by fanatical outrage were rare. The knives were of no use to them. In fact the war-knife has never been of use to any Hindoo, low or high. We have not one instance of any fanatical murder being prevented or avenged by the war-knife.

The use of the knife by the Hindoo, and especially in the talooks not, so called, Moplah, is of recent date. It arose probably from a fear of fanaticism spreading.

I think it a subject of gratulation that so large a body of war-knives should have been taken away from the country, and the name itself consigned to oblivion.

I enclose a memorandum showing the price paid for the 7,561 knives. The average is only 12 Annas and 6 Pice per knife. Five thousand, five hundred and seventy-eight of them cost less than a Rupee a piece.

I have already sold about fifty-two of the more expensive* ones to parties leaving the country, and shall probably be able to dispose of some more to similar parties. The remainder I propose either to break up and sell as old iron or steel, or cut down to the shape and size of the common bill-hook. Though too thin for rough work they will answer to cut grass and light brush-wood.

* From 1 to 15 Rupees. I sent 100 also to the Madras Exhibition.

The loss to Government on the whole transaction will not therefore be considerable.

Statement showing the amount disbursed for war-knives collected under Act XXIX of 1854, *in the District of Malabar.*

	RS.	A.	P.
5,578 knives varying from 2 to 14 Annas each....................	2,479	8	11
1,983 do. do. 1 to 15 Rupees each.................	3,409	15	11
	5,889	8	10
Carriage hire incurred up to 31st January 1855, for bringing the knives from the talooks to Calicut............................	50	13	11
Total Rupees...	5,940	6	9

(Signed) H. V. CONOLLY,
Magistrate.

CALICUT, 20*th February* 1855.

Digitized by Google

JUDICIAL DEPARTMENT.

Extract from the Minutes of Consultation under date the 9th March 1855, *No.* 182.

Read the following letter from the Magistrate of Malabar.

(Here enter 20th February 1855, No. 7.)

In the above letter, the Magistrate of Malabar reports that 7,561 war-knives were brought in by the 31st January, or the day preceding that from which the possession of the weapon was made unlawful by proclamation published under Section 1, Act XXIV, of 1854, and that he believes that few, if any more, are to be found in the country.

2. The price paid for these knives, including the charge for bringing them from the talooks to Calicut, was Rupees (5,940-6-9) five thousand, nine hundred and forty, Annas six and Pice nine, for which disbursement the Government grant special sanction.

3. The Magistrate thinks it a subject of gratulation that so large a body of war-knives should have been taken away from the country, and the name itself consigned to oblivion.

Para. 6.

4. The Right Honorable the Governor in Council cordially joins in this sentiment, and he deems it but just to Mr. Conolly to offer him the acknowledgments of Government for the judgment, promptitude, and success with which he has carried out a measure of so much delicacy and importance.

(Signed) T. PYCROFT,
Chief Secretary.

CALICUT, 12*th September* 1855, 1 A.M.

From G. B. TOD, Esq.,
Assistant Collector, Malabar.

To T. PYCROFT, Esq.,
Chief Secretary to Government.

SIR,—It is my melancholy duty to inform you, for the information of the Right Honorable the Governor in Council, that Mr. Conolly, the Collector of this district, was most barbarously murdered this evening between eight and nine o'clock in the presence of his wife. He received seven wounds, one of which, at least, was mortal.

Digitized by Google

So far as the details at present are ascertained, the perpetrators were three Moplahs, who rushed into the verandah and completed their deadly work before assistance could be called. In the present state of Mrs. Conolly, it is impossible to gather further particulars of the tragedy, of which she was the sole witness; but immediately that I am able to do so, I will furnish more complete information.

COONOOR, 15*th September* 1855.

From T. PYCROFT, Esq.,

Chief Secretary to Government.

To the OFFICER in charge of the

Malabar District.

SIR,—The Right Honorable the Governor has received with the deepest concern the distressing intelligence conveyed in Mr. Tod's letter of the 12th instant, of the assassination of Mr. Conolly, Collector of the Malabar District.

His Lordship relies upon your employing every means for the apprehension of the perpetrators of this barbarous act, through your own Police, the Police Corps under Major Haly, and the regular troops of the Province. You will also offer any reward, however high, which you may deem advisable, to ensure the capture of the culprits.

You will of course keep the Governor constantly informed of the means that you may adopt for the apprehension of the murderers, by letters addressed to Ootacamund, copies of which you will forward to the Secretary to Government, Madras.

OOTACAMUND, 15*th September* 1855.

From T. PYCROFT, Esq.,

Chief Secretary to Government.

To THE SECRETARY TO GOVERNMENT,

Madras.

SIR,—With feelings of the deepest concern the Right Honorable the Governor has desired me to forward to you the accompanying copy of a letter from Mr. Tod, Assistant Collector of Malabar (just received),

Digitized by Google

reporting the barbarous murder, on the 11th instant, of Mr. Conolly, Collector and Magistrate of that District, and Provisional Member of Council for this Presidency.

By His Lordship's order, I have written by express to the Officer who has succeeded to the charge of the district, urging him to use every means for the apprehension of the perpetrators of this horrible act; and authorizing him to offer any reward, however high, which may seem advisable for ensuring their capture.

He has also been directed to keep the Governor constantly informed of the steps that he may take for the apprehension of the murderers, by letters addressed to Ootacamund, copies of which he will forward to you at Madras.

No. 178.

CALICUT, 12*th September* 1855.

From E. BARKER, Esq.,
Civil Surgeon, Malabar.

To T. PYCROFT, Esq.,
Chief Secretary to Government, Ootacamund.

SIR,—It is my melancholy duty to report that H. V. Conolly, Esq., Collector of Malabar, died last night at about 9-45 o'clock, from wounds inflicted upon him about an hour before, by a party of assassins, while sitting in the verandah of his house.

PALGHAUT, 13*th September* 1855, 6½ A.M.

MY DEAR MR. PYCROFT,

Early this morning, when at a place beyond this, I received intimation from Doctor Barker of poor Mr. Conolly's murder. You will no doubt have received information from Calicut direct. I hope to leave this directly and to be in Calicut by to-morrow morning. I have heard no details, but will not fail, on arrival, to furnish every information.

The emergency will excuse this form of letter.

Believe me, yours, &c.,

(Signed) C. COLLETT.

Digitized by Google

No. 36.

CALICUT, *14th September* 1855.

From G. B. TOD, Esq.,
Assistant Magistrate, Malabar.

To T. PYCROFT, Esq.,
Chief Secretary to Government, Ootacamund.

SIR,—In continuation of the report submitted by me on the morning of the 12th instant, I have the honor to forward the following particulars :—

2. On the morning after the murder of the late Mr. Conolly, I took depositions from the servants, peons, &c., who were in the house when the murder was committed : but regret to say that very little could be brought to light concerning the deed. They all seem to have been in the other part of the house, and on hearing the cries of Mrs. Conolly, came, but too late to render any assistance or to identify the murderers. One servant indeed, and a peon, who came before the ruffians escaped, were severely wounded by them; but were too terrified to be able to recognize the men or detain them.

3. The most important evidence as yet adduced is, the discovery on the floor of the room in which the murder took place, of a piece of a sword, of the kind that is used in the Jail, and supposed to have been used by one of four prisoners who escaped from the Calicut jail about a month ago, and took a jail-sword and pistol from the peon who was guarding them. The importance of this discovery will be seen hereafter.

4. Early yesterday morning, intelligence was brought in from the talook, that twelve Moplahs had the day before wounded a Nambary Brahmin at Kodoovully, eighteen miles east of Calicut, and taken up a position in his brother's (the Amshom Adighary's) house, and had there set the authorities at defiance. This is the way in which the recent Moplah outbreaks in this district have invariably occurred, and I therefore called on the Officer Commanding Calicut to furnish such force as he deemed sufficient to put an end to the outbreak. I also wrote and informed Major Haly, Commanding the recently organized Police Corps, to lend his assistance, judging from what has taken place in the late disturbances of the same kind, that the Sepoys, if unsupported, might prove insufficient. In the meantime a second despatch came in, saying, the Moplahs were six or seven in number and they had beaten the Adighary and turned him out of the house.

Digitized by Google

5. Captain Sweet (the Commanding Officer) directed Lieut. Fryer and seventy men to proceed with me as speedily as possible to the Nambary's house, but after we had marched four miles, further intelligence came from the talook reporting that the Moplahs had during the night left the house they had taken up their position in, and gone away across the country, but in what direction they have gone is uncertain. This being the case, it appeared unnecessary to proceed further with the troops, and so they were marched back to Calicut, and I returned myself to wait for further information.

6. No more reports came in yesterday; but this morning I received a letter from the Tahsildar, who informed me he had visited the Nambary's house after it had been evacuated by the Moplahs, and found that they had carried off 382 Rupees in jewels and money, and also two swords, a gun, bow and arrows, &c., and had left behind them *a sword with the end broken off* and some cloths *covered with blood stains;* but that it was not known in what direction they had gone. This report gives their number as eleven or twelve.

7. The fact of the *broken* sword being discovered as left behind by the insurgents, is a very strong and important piece of evidence that they had with them the sword which was one of the weapons with which the late Mr. Conolly was so brutally murdered, the shape of the weapon being a peculiar one and not generally in use except by the Government servants. The cloths had been washed, as if with the intention to efface the stains of blood with which they were covered.

8. The police are using every endeavour to trace these men, and with the exception of the Moplah caste the crime of which they are suspected in addition to their supposed fanatical tendency, is regarded with the greatest abhorrence by the natives. I regret much that I am not able to say that the sympathies of the Moplahs are enlisted in behalf of the late Mr. Conolly, as the removal of one who has so long and ably held them in check, even brought about, as it has been, is, to say the least, regarded with satisfaction.

9. I communicated with the Sub-Collector, Mr. Collett, the night the murder took place, and expect his arrival hourly at Calicut, and aided by his experience and knowledge of the District and inhabitants, I have little doubt that the insurgents will ere long be put an end to; but the dread these men have inspired is so great, that I am anything but sanguine of their being captured alive by the Civil powers.

10. I have offered a reward of 1,000 Rupees for such information as may lead to the conviction of the murderers, and as soon as anything of importance in the matter transpires, I will submit it to Government.

Digitized by Google

MUNJERRY, 14*th September* 1855, 2 P.M.

MY DEAR MR. PYCROFT.

I was unfortunately detained by want of bearers at one place, and so did not reach Malapuram till eight this morning. I then found Major Haly had marched on the requisition of Mr. Tod to this *en route* to Tamercherry (18 miles direct east of Calicut) where the men are reported to have murdered a Nambary who is an Adighary (headman of parish) and his servant. They have since left that place, and so Major Haly has halted here till he gets further information. I have only just joined him here, and have received no information of value, but think it very probable that the Moplahs may make their appearance at no distance from this in the neighbourhood of Pandigat, where some of the Moplahs have generally resided. Mr. Tod, I found, had published a proclamation, offering a reward of Rupees 500 per man on the conviction before the Session Court of the murderers of Mr. Conolly. I have, as it now seems certain that the present gang of Moplahs must consist in part at least of the murderers, taken upon myself to proclaim that a reward of Rupees 300 will be paid for each of the gang delivered to us alive. Judging from former experience, I do not expect much result from this, but still there is some chance. I hope my having taken upon myself to name this sum for each man will be approved of by the Right Honorable the Governor. I am very strongly impressed with the idea that the murder of poor Mr. Conolly has been instigated by others. The escaped convicts (if indeed they were the murderers) had no personal grudge against him; they lived at a distance from Calicut, and must at least have been sheltered in the neighbourhood of Calicut. Further, the manner in which these men have been moving about the country, and no information given to the authorities as to their movements, is very unsatisfactory. I have therefore determined to issue a strong proclamation commenting on this latter fact, and stating that in ascertaining that these men have thus made any stay in an amshom (parish) or desham (village circle), I shall recommend the inhabitants of that amshom to be generally fined under Act XXIII of 1854; but holding out the prospect of a reward and exemption from the fine to such inhabitants of the amshom who will give information that shall lead to the conviction of those who have harbored or otherwise aided the insurgent Moplahs. I hope this proclamation will have a wholesome effect. My suspicions as to the possible instigators of the murder of Mr. Conolly are too vague and slight at present to deserve mention; but I shall not fail to use every effort to follow them up.

Digitized by Google

These men seem determined not to make a final stand at present, and this may give us much trouble. As early authentic information of their movements is so desirable and may generally be easily afforded without risk to those who give it, I have determined to offer to pay a reward of Rupees 10 to any person who shall first bring to us any news of the Moplahs being in a certain place or line of march ; as soon as I am satisfied that such news was correct and given when it was worth having. The above proclamations are being prepared whilst I am writing this, and will be issued at once.

There is a strong report that the men have gone southwards towards Betutnad, where they are supposed to have been previously some time in hiding. One of the escaped convicts resided on the southward of that talook, and the report may possibly be correct or hereafter be realized, as they can move much faster than troops, and might do much damage before we could come up. I have determined to request Major Yarde, 3rd Light Infantry at Palghaut, to move a sufficient force, three marches westward on the trunk road leading to Ponany, and to station them at a place called Pattamby, from whence there are several roads leading north-east-north and westwards, by which this force might move easily on any part of the country threatened by such a movement southwards on the part of the gang of Moplahs. The force need not be large, and the march (if without results) will not prove harassing to the troops, while the precaution seems to be desirable.

Major Haly informs me that he has forwarded to the Military Secretary to the Right Honorable the Governor some letters which will afford the sad details of poor Mr. Conolly's fate. I am sorry to find that I have at present so little information that I am unable to state certainly whether the number of the gang is seven or twelve, as has been variously reported. As I have too only just arrived on the scene of action, I have only in the present letter been able to detail some of the measures I propose adopting.

I forgot to mention that I shall order a Tahsildar, who has had experience in these affairs before, and in whose judgment I have reason to confide, to attend as the Civil authority with force to be detached to Pattamby.

Having no English Office with me yet, and numerous letters, &c. to write, I trust I may be excused in putting my communication into regular official form.

Believe me, your's, &c.

(Signed) C. COLLETT.

Digitized by Google

MUNJERRY, 15*th September* 1855, 6 P.M.

MY DEAR MR. PYCROFT.

I regret extremely that I have nothing to report to-day for the information of the Right Honorable the Governor. I have not yet succeeded in procuring any trace of the movements of the Moplahs. I am fully impressed with the importance of rendering it impracticable for these men to conceal themselves, as appears now to be their intention. Their object is probably to await further opportunities for doing mischief. I have sent out in every direction organized parties consisting of armed peons and villagers. Officers of police are at the head of these, and have limits (generally of three or four parishes) within which they are to keep up detached parties and themselves to keep constantly moving, searching in every direction. The number of my Sub-officers being insufficient, I have selected some of the most influential headmen of parishes to be employed in this manner. They are all men of property and capable of bringing dependants of their own. Those selected by me in the Ernad and Wolowanad talooks (where the insurgents are pretty sure ultimately to show themselves) are men personally well known to me. The same system I have ordered to be carried out in the talooks of Shernad, Betutnad and Nedinganad south and south-west of this. The same I have ordered to be done in the Calicut and parts of the Coormbernad and Wynaad talooks, adjacent to where the insurgents have already shown themselves. These arrangements will not involve other expense than the cost of batta I have ordered to be allowed to the villagers employed along with the Police peons. My idea is not that these parties should attack the insurgents; but I shall be satisfied if (notwithstanding the peculiar facilities afforded by the natural features of the country) I shall so effectually scour the country as to prevent the possibility of the Moplahs remaining concealed. I have also myself written to the principal landlords hereabout, requesting them to stimulate their numerous tenants to send me information of any sign of the insurgents. I know the difficulty of tracing criminals determined to conceal themselves in Malabar, but want of success shall not induce me to relax my efforts; a band of ruffians like these will not, I hope, be able much longer to keep so large a portion of the province in a state of uneasiness.

Major Haly has forwarded to the Military Secretary to the Right Honorable the Governor a letter to him from Mr. Tod, about which a few words seems advisable. I am not inclined to think the Moplah caste do view the murder of Mr. Conolly in the light Mr. Tod supposes. The Nairs are very ready to make it appear so; but I feel sure that Moplahs, as a caste,

Digitized by Google

regarded Mr. Conolly as their best friend, who supported their interests against the old official superiority of the Nairs; this is a question on which there is much strong feeling in Malabar, and Mr. Conolly's views were well known.

I have requested Mr. Tod to withdraw his proclamation of 1,000 Rupees. Its object was apparently similar to that of mine, offering 300 Rupees for the apprehension of each member of the gang. I think this better than a general reward for the whole gang; and the capture by stratagem or force of even one or two members of the gang would be a great object gained. Mr. Tod, when he issued it, was not aware that I had arrived to assume general charge of the district.

I regret that Mr. Tod brought back the Sepoys to Calicut; the weather is fine and Natives in tents would not have suffered. I have deputed an active Nair, Sub-Officer, to that part of the country in support of the Calicut talook establishment, which is not, I fear, very efficient for work of this kind.

As Malapuram is as centrical a position as this, I shall, though (unless I receive information in the meanwhile), move the troops here back to Malapuram to-morrow evening; the Europeans had better be in their barracks there, and the place is quite as convenient for commanding this part of the country.

Believe me, &c.,
(Signed) C. COLLETT.

OOTACAMUND, 17*th September*.

MY DEAR MR. COLLETT.

I have received and laid before the Governor your letters of the 14th and 15th instant, both received by express, the latter first.

It would seem from them that the parties whom you designate as insurgents are not confined to the three assassins who actually murdered poor Mr. Conolly; but that there is a gang variously reported at from seven to twelve including the murderers, and it is doubtful whether this "Gang" is not abetted and sheltered by other parties.

You appear to have been on the point of issuing proclamations, threatening persons with fines under the Moplah Act XXIII of 1854. But it does not seem that fines can be imposed under that Act, except when the District, or any given part of it has been proclaimed under the Act, in the manner prescribed in Section 1. I have now therefore to ask your opinion, whether from what you know of the present

Digitized by Google

state of feeling in Malabar, you think it desirable that the whole District or any parts of it, and if so, what parts should be "proclaimed" according to the Act. You are aware that while Government would not wish to resort to the Act, without cause, they would not hesitate to have recourse to it on good grounds. You seem to have offered a reward of 300 Rupees for each member of the "Gang." Considering the occasion you might perhaps have offered a larger sum. To do so now, would, it may be, be injudicious, as it might induce parties to hang back, in hopes that this reward would be still more enhanced. But it is left to your discretion, to do so now, if you think it advisable.

It is presumed that you have communicated with the authorities, European and Native, in the adjoining districts of Canara and Coimbatore, and in Coorg, Mysore, Cochin and Travancore, that you have informed them of what has occurred, of the rewards offered, of the supposed strength and numbers of the gang, with any information that it may have been in your power to give touching their personal appearance, and whereby they might be identified in the event of their passing from yours to any other province.

You know, of course, that these miscreants could hardly be on foot without the knowledge or connivance of some Tanguls or priests. You have of course warned them of the heavy responsibility that attaches to complicity in such proceedings. Your movement of the troops from Palghaut is approved, and you are at full liberty to call for Military aid from any other quarter if you deem it necessary.

You may also spend any sum that you may find needful for procuring information.

Believe me, &c.,
(Signed) T. PYCROFT.

Answer this quickly by express.

COONOOR, 17*th September* 1855.

From H. A. MURRAY, Esq.,
Private Secretary.

To C. COLLETT, Esq.,
Sub-Collector and Joint Magistrate, Malabar.

SIR,—I am directed by the Right Honorable the Governor to inform you that Mr. Pycroft has forwarded to him from Ootacamund your two letters of the 14th and 15th instant, having reference to the sad tragedy lately enacted in Calicut, with the draft of an answer from him, which I now forward to you.

Digitized by Google

The Governor approves of that answer, except in one instance.

He is decidedly of opinion that, in so serious a case, in which the life of the Chief Officer of Government has been so brutally and wantonly sacrificed, that immediate recourse should be had to the Act No. XXIII, of 1854, and he purposes urgently to recommend that it should be immediately published in the Fort Saint George Gazette.

You may therefore procced at once with your proclamations which have reference to that Act, taking care however to keep your actions within such limits as to insure the publication of the Act, before any proceedings take place on the strength of its publicity.

It probably will not be published in the Gazette before Friday next, though a Telegraph message should be sent on the subject to-morrow morning.

I am directed also to instruct you to offer a reward of 5,000 Rupees for the *delivery alive* of any one of the three or four murderers of Mr. Conolly. It will be as well to limit the offer to one of the numbers *three* or *four*, whichever you may deem best, as it is supposed these assassins did not exceed that amount, in order that you may not make yourself liable to have a quantity of people brought to you, with the hope of getting the reward.

The proof upon which you will give the reward should be such as would be deemed thoroughly satisfactory, without requiring conviction before a Court.

You will understand that the reward of 5,000 Rupees will be given for each one of the assassins who may be delivered alive.

MUNJERRY, 16*th September* 1855.

MY DEAR MR. PYCROFT,

From letters I have received from Calicut, I see that there is a great desire among the European Officials there that I should personally repair to Calicut. But I have on mature consideration decided against this step at least for the present. In this opinion Major Haly, with whom I have consulted, fully concurs with me. I think it advisable at once to submit to the Right Honorable the Governor the grounds for my decision, and I trust they will meet with his approval. The insurgents, I am pretty surely convinced, will ultimately turn up in this part of the province, and here, no doubt, whatever, there is the greatest danger of their being re-inforced. I have, from having been long stationed in this part of the country, become thoroughly acquainted

Digitized by Google

with the people and locality. I reckon among the people many who are, and have long been my personal friends, and my acquaintance with the inhabitants generally has given me, I believe, much personal influence among them. My strength therefore, as an individual, is greatest hereabouts. On the other hand, I have neither local knowledge nor personal influence in or about Calicut; my service has been entirely away from Calicut. Further there are now at Calicut three Civilians, Mr. Harris, Mr. Holloway and Mr. Tod. The last gentleman, though young, has the advantage of the local knowledge of the following high and experienced officials, viz., Mr. Platell (the Uncovenanted Assistant) the Head Sheristadar (an old and experienced servant), and the Head Moonshee (in whose ability and efficiency poor Mr. Conolly had much confidence). Were I to go to Calicut, I must be entirely dependant upon these three officials for information as to persons, and even greatly as to places. Mr. Harris is experienced in Malabar, and has great official influence. Mr. Holloway is also reported to be an energetic man. The Calicut Tahsildar is not so efficient a man as I could wish, but there is an Ameen also at Calicut, besides the usual number of Sub-Officers. I have further sent into the talook a bold and efficient Nair, who was acting as Tahsildar at Palghaut, and whom I brought down as he had long served under me in this part of the country. He has also had experience before in the part of the country to which he has now been deputed, and I have thus strengthened the hands of the Calicut talook Police. Considering that by going into Calicut, all the Civilians would be concentrated in Calicut, and all the high Native officials also, that I should leave this portion of the country destitute of any experienced European Official or high Native one—that I should quite throw away the influence which I can instantly use here, while I should have to acquire local knowledge and influence at Calicut—I have determined to act on my own judgment. I am permitted to state that Major Haly entirely concurs with me. I have too this moment heard that Mr. Thomas, the Acting Head Assistant, has joined the district at Calicut. In deference, however, to the opinion prevalent at Calicut, I have made the following movements. Being unable to spare Europeans from Malapuram (where the number of the force generally stationed is less than ninety) I have requested the Brigadier to send down a small force of Europeans (I have suggested a Company) to Calicut. They may come quickly by sea now; their presence must effectually restore the confidence of the inhabitants. There are three Companies of Sepoys at Calicut now. Further, pro-

Digitized by Google

vided I receive no other information in the meanwhile, this afternoon some of the Europeans here will be returned to Malapuram, to make the force there more respectable than it now is. With Major Haly's 100 men, and a few Europeans, I shall march to Arriacode. From there I can reach Calicut by river in a very few hours, and shall also not materially diminish the command we now have of this part of the country. I have every confidence in the temper of Major Haly's men, and shall certainly seek to bring them to act against the insurgents; their good behaviour on the occasion will have an excellent political effect, and establish the reputation of the force.

I beg to enclose a copy of a letter I have written to Mr. Tod. I purpose directing Mr. Thomas, the Acting Head Assistant, to remain at Calicut.

Mr. Holloway, who appears to have adopted most strongly the opinion prevalent at Calicut, has run away with the idea that I have singularly suggested his hunting up these criminals. On the contrary, what I did was this: knowing that Mr. Tod had left Calicut with troops, I wrote to Mr. Holloway, whose duty it became to act as Magistrate, putting the Police and other servants at Calicut under his orders; my wish was that he should regulate their movements, not that he should personally leave the station in search of the criminals. I sent him my proclamations, and suggested various matters. When I knew of Mr. Tod's return, my communications were addressed to him, though I did generally request Mr. Holloway also, in a note, to continue to give us the advantage of his general assistance. He lives with Mr. Tod, and I hoped he would aid him with his counsels.

In conclusion, I have earnestly to beg that the Right Honorable the Governor will favor me with his confidence on the present emergency, and I pledge myself that no exertion shall be wanting on my part to bring this affair to a speedy conclusion. No difference of opinion shall disturb that concord which is so desirable that the influence of every servant of Government may be used to the best advantage.

Believe me, yours very truly,

(Signed) C. COLLETT.

MUNJERRY, 16*th September* 1855, 6 A.M.

From C. COLLETT, Esq.,

Joint Magistrate.

To G. B. TOD, Esq.,

SIR,—I have determined on mature consideration to leave you for the present in charge of Calicut and its immediate vicinity, instead of

repairing there myself. It will be the duty of Mr. Platell, the Head Sheristadar, and the Head Moonshee, all I know now at Calicut, to afford you the benefit of their local knowledge, which is far greater than any I myself possess. I have also strengthened the Calicut Police by deputing, as I have informed you, Rama Meum (Talook Sheristadar) into that Talook. I have already in my demi-official letters intimated to you the general plan on which I propose that you should proceed in preventing the insurgent Moplahs from any longer remaining concealed; the minute details of arrangements must be determined by local knowledge of persons and places. I shall continue to keep you informed demi-officially or otherwise (as emergency may require) of the measures which I purpose having adopted, and I request you will similarly keep me informed of your actions.

2. From a regard to your opinion as to the general state of feeling among the Moplahs about Calicut (expressed in a demi-official note to Major Haly) I have now requested Brigadier MacDuff to despatch to Calicut a small force of Europeans; their presence must effectually restore a sense of security to the inhabitants of the place, and this is my chief object in making the requisition. They may though be called out in case of necessity; but my desire is to follow up the insurgents with Major Haly's Police Corps, supported as he may consider necessary by a small number of Europeans.

3. On an important occasion like the present, I recommend you freely to consult with Mr. Harris, the Session Judge, whose considerable acquaintance with Malabar and high official influence will, no doubt, be placed at your service. Should you have occasion to leave Calicut, it will be the *duty* of Mr. Holloway to assume your place and act as Magistrate at the station on emergency.

MUNJERRY, 16*th September*, 1855, 6 P.M.

MY DEAR MR. PYCROFT,

My report for this evening may, I hope, be said to be an improved one. This afternoon I just received information of the men (five in number) having been seen yesterday in a jungle two or three miles from this. From inquiries I have made, I have great hopes that this information is correct. It is partly corroborated by other information just come in from another part of the country. I am of course making the best use I can of this clue, and I am in great hopes that the result will be successful.

I have, under these circumstances, not moved the troops from this as I had purposed doing; the weather continues favorable for the troops,

Digitized by Google

should any movement be necessary. I am, though, also using my best endeavours to have these men betrayed to me by stratagem.

Believe me, &c.,

(Signed) C. COLLETT.

COONOOR, 17*th September* 1855.

MINUTE BY THE RIGHT HONORABLE THE PRESIDENT.

Judging from the communications which have been forwarded from various sources in Malabar for my perusal, I have no hesitation in giving my decided opinion, that Act XXIII of 1854 should at once be declared in force for the whole district of Malabar, and that it should be published as early as possible in the Fort Saint George Gazette, in a special Gazette, if communication by Telegraph should be too late for that of to-morrow.

I recommend this course, not so much because I anticipate any general rising of the Moplahs—with such a race of fanatics it is futile to prognosticate what they may do—but because, I think, that no delay nor hesitation should be evinced on the part of Government in strengthening the hands of the Civil authorities on the spot, and in manifesting its resolute determination to exact the strictest retribution, and to require the most condign punishment, on the perpetrators of the brutal murder of Mr. Conolly, and also to prevent, as far as possible, any assistance being given to them.

The Government should lose not a moment in showing, that it will not suffer a faithful and esteemed servant to be thus sacrificed, without exerting every effort to secure the murderers.

I have, therefore, empowered Mr. Collett to offer a reward of 5,000 Rupees for each of the assassins, it being supposed there are about four, on his, or their, being delivered to him alive.

(Signed) HARRIS.

In the preamble of the Notification in the Gazette, it should be shown that the Act is declared in force for the purpose as stated above, of expediting the capture of the assassins and of preventing complicity rather than in expectation of any general or even partial outbreak of any number of Moplahs.

(Signed) H.

Digitized by Google

JUDICIAL DEPARTMENT.

Extract Minutes of Consultation, 18*th September* 1855, *No.* 3.

Read Minute from the Right Honorable the President.

(Here enter 17th September 1855.)

Communications which have reached the Government from various sources in the province of Malabar, have led them to the decided opinion that the entire district should be at once proclaimed subject to the operation of the provisions of Act XXIII of 1854.

2. The Government would adopt this course, not so much because they anticipate any general rising of the Moplah population—past experience of these fanatics has shown how impossible it is to calculate upon their proceedings—but because they deem it indispensable that there should be no delay nor hesitation on the part of Government in strengthening the hands of the local authorities, and in manifesting their resolute determination to exact the strictest retribution, to inflict the most condign punishment, on the perpetrators of the brutal murder of Mr. Conolly, as also to prevent, as far as possible, any assistance being afforded to them.

3. Not a moment should be lost by Government in showing that they will not suffer an able, faithful, and highly esteemed servant thus to be sacrificed, without exerting every effort to secure the assassins.

4. In the preamble of the proclamation to be published under Section 1 of the Act, in the Fort Saint George Gazette, it should be stated that the district of Malabar has been declared subject to the Act for the purpose, as already explained, of expediting the capture of the murderers and of obviating complicity with them, rather than under the expectation of any outbreak general or partial, on the part of any number of Moplahs.

5. The Right Honorable the Governor in Council further resolves to authorize the Officer in charge of the Malabar District to offer a reward of Rupees (5,000) Five thousand Rupees for each of the assassins, it being supposed that there are about four, on their being delivered to him alive.

Ordered that the following Proclamation be published in the Fort Saint George Gazette of 18th instant.

Digitized by Google

MORAR, 8 MILES N. W. of MUNJERRY,
17th September 1855, 7 P.M.

From C. COLLETT, Esq.,
Joint Magistrate.

SIR,—I have the satisfaction to inform you that the five Moplah offenders, have just been destroyed in a most gallant manner by the Detachment of Major Haly's Police Corps and a part of No. 5 Company of H. M.'s 74th Highlanders, under the command of Captain Davies. The position of the Moplahs was a most difficult one, consisting of gardens surrounded by ditches. After some practice with the mortar and howitzer, the troops charged into the gardens, and after turning the Moplahs out of one house, the offenders retreated to a stronger one, which they barricaded; the outer-door of this garden was on the edge of a deep nullah, this door was first forced and the troops charged up by a path to the house-door; the troops were in the act of firing the house when the Moplahs threw open the door and rushed out upon the troops and were of course quickly disposed of. It was quite impossible, I consider, to have secured them alive though injunctions had been given to do so if possible. The men of the new Police Corps emulated the Europeans in their steadiness and were equally to the front at the last charge. I have, though with great regret, to report that one European was killed by a shot from the house and another *very dangerously* wounded by a cut on the throat whilst one of the Moplahs was on his bayonet.

I shall have the honor of giving further details to-morrow.

I trust that the fact of my having no office up yet, will excuse the irregularity of my former communications having been in a demi-official form.

P. S.—I regret to add that a Hindoo who had foolishly remained in the gardens was unfortunately shot down at an early part of the affair whilst attempting to escape. One poor Hindoo was murdered by the Moplahs when they took possession of the house.

Digitized by Google

MORAR, 9 P.M., 8 MILES N. W. OF
MUNJERRY ON THE CANDOOTY ROAD.

From Major G. T. HALY,

Commanding Malabar Police Corps,

and Detachment H. M.'s 74th Highlanders, on Field duty.

To THE ADJUTANT GENERAL OF THE ARMY,

Ootacamund.

SIR,—I have the honor to report that I have just encamped at this place, after having despatched the five (5) insurgent Moplahs and murderers of the late Mr. Conolly. The affair was sharp and decisive, the men very steady.

I regret to announce the death of one European of H. M's. 74th, and another dangerously wounded by one of the insurgents when on his bayonet.

You shall hear further particulars to-morrow, in haste.

(True Copy.)

(Signed) W. G. WOODS, Lt.-Colonel,

Adjutant General of the Army.

MALAPOORAM, 19*th September* 1855.

MY DEAR MR. PYCROFT,

I just write a few lines that you may be able to account to Lord Harris for the non-arrival of my promised report; but the necessity of collecting a few details and the distance at which some things happened has hindered me; part of my office joined me last night only, and as you may suppose the whole business of the country has been at a stand-still, and there was much that it was absolutely necessary that I should despatch. I have to-day been inquiring and giving directions to my Tahsildars here (of Ernad and Wolowanad talooks) as to the local inquiry out here, which I must unavoidably in great part commit to their hands.

At Calicut, where I hope to be to-morrow, I shall take up the investigation myself. I think there is very strong ground for suspicion against the two deserters from the Police Corps of having been concerned in this crime, they are now in custody, and I shall make every effort to secure their conviction. I know that Major Haly has written a full report as to Military details to the Commander-in-Chief, and

Digitized by Google

I presume that Lord Harris will have seen it. My report will not, I hope, be delayed beyond to-morrow, or at latest the next day.

I am sorry that the men were not secured alive, though I offered Rupees 1,000 for each man. It is a great satisfaction for me to think that the arrangements I had made compelled these ruffians to take up the position which they did. They had no wish to do so, and endeavoured to keep to a jungle; but the large parties I had out, drove them to it and secured them there. I am too very thankful that I was not persuaded to take the false step of going into Calicut, according to the desire of the Europeans there, who, we are told, were all together in one house! I had no idea that the feeling had been so intense. I believe, though from what I can hear, that the murderers were not once near the place after poor Conolly's murder had been committed. It was very improbable that it should be otherwise.

There is one matter on which I shall feel greatly obliged to you, if you would, as opportunity offers, say, if need be, a word to Lord Harris. I believe these people at Calicut sat in Council upon and, at the time condemned me. Perhaps some of them will now have the honesty to allow that my judgment was correct in remaining out here. But I cannot doubt that some of them have written more or less directly to Government, and written hard things. All I beg is that the Governor will remember under what excitement they wrote, and hear the other side of the story from those who were with me.

I need not say, that I shall be anxious to hear the intentions of Government as to relieving me. I have now the Huzzur, Sub-Collector and Special Assistant's Divisions, and the investigation on which I am now entering must be a tedious one.

This note intended only to enable you to account for the non-arrival of my Official report, has, I am sorry to find, run to a great length.

Yours very truly,
(Signed) C. COLLETT.

Digitized by Google

JUDICIAL DEPARTMENT.

No. 4.

OOTACAMUND, 19*th September* 1855.

From T. PYCROFT, Esq.,
Chief Secretary to Government.

To the JOINT MAGISTRATE,
in charge of the District of Malabar.

SIR,—I am directed by the Right Honorable the Governor to acknowledge the receipt of your letter of the 17th instant, reporting that five Moplahs, the supposed assassins of the late Mr. Conolly, had all been destroyed at Morar near Munjerry, on the evening of that day, by a force consisting of a part of No. 5 Company, H. M.'s 74th Highlanders, and the Detachment of the Malabar Police Corps.

2. In reply, I am desired to express to you his Lordship's satisfaction at the manner in which this affair has been conducted. It were to be wished indeed that some of the number could have been taken alive; but the experience of past events of this nature shows that this is rarely practicable.

3. His Lordship has noticed with much pleasure the good behaviour of all the troops engaged on this occasion, European and Native. The steadiness and zeal manifested by the men of the new Police Corps is peculiarly gratifying to His Lordship.

4. It now remains that you should prosecute the most searching inquiries into the causes of the late foul murder, and for the detection and punishment of all who have in the remotest degree aided in, or connived at, the atrocious act; if, as has generally, if not invariably, been the case on former occasions, the actual perpetrators of the deed have been mere tools in the hands of others. You will consider yourself authorized to incur any expenditure in procuring information to assist you in conducting your inquiries.

5. By a Proclamation published in the Fort St. George Gazette of yesterday evening, the entire district of Malabar has been made subject to the operation of Act XXIII of 1854. The intelligence communicated in your letter will make no difference in this respect. The Act will continue in force until the motives which have led to the perpetration of the late barbarous murder have been thoroughly explored, all privy to, or participant in it, condignly punished, and the recurrence of so vile a deed effectually prevented.

6. You have of course taken precautions by burning the bodies of the Moplahs, or burying them within the precincts of the jail or other

Digitized by Google

similar locality against their remains becoming an object of veneration by any of their bigoted fellow caste-men.

7. You will continue to report your Proceedings direct to the Hills, sending duplicates of your letters by the same day's post to the Secretary to Government at Madras.

BANGALORE, *21st September* 1855.

MY DEAR SIR,—I was favored yesterday afternoon with your letter of the 18th, and instantly directed the head quarters of a regiment of Mysore Horse to proceed to the frontier beyond Goondapett, and hold itself in readiness to descend into Malabar, when required to do so by the Joint Collector and Magistrate of the province, whose orders the Officer Commanding has been directed to obey. The party will consist of 100 effective Horse, and I shall be prepared to send another 100, if necessary. Mr. Conolly wrote to me on a former occasion for a party of Horse, and as Lord Harris might perhaps wish to see what passed between us, I enclose a copy. The Horse are of immense use in this country, as Mounted Police; but I am not sure that they would instil the same terror into the desperados of Malabar.

Believe me, &c.,

(Signed) M. CUBBON,

Private and Confidential.
CALICUT, *13th February* 1852.

MY DEAR CUBBON,—Would your Silladar Horse be of use against Moplah fanatics. Men who charge like mad fiends with a large knife. The native sepoy cannot be relied on to stand against them; and it is no light job, as experience has shown us, for the European soldier. The Government have authorized me to indent on you for horsemen (Silladar) if I think they would be serviceable in an attempt which will probably have to be made to secure the priest at Teruwangady, who is at the bottom of all these horrible outbreaks, and who has a large number of followers and partisans. Malabar is not a good country for horsemen generally; but it will be dry for some months, now that the crop is cut. Kindly answer this *private* with at your earliest convenience, what number of men could you spare.

Yours sincerely,

(Signed) H. CONOLLY.

What number of Europeans could be spared from Bangalore in case of need?

Digitized by Google

BANGALORE, 16*th February* 1852.

MY DEAR CONOLLY,—I have just been favored with your private and confidential note of the 13th instant, asking what number of Europeans could be spared from Bangalore, and whether the Mysore Silladars would be of use against the Moplah fanatics.

I could, so long as the Regiment of Hussars remains at Bangalore, spare the whole of the Regiment of European Infantry from Mysore, without inconvenience, and this I am prepared to state to the Military Authorities should any requisition be necessary on account of the state of affairs in Burmah. I could also place at your disposal within fifteen days a body of from one to five hundred Silladar horsemen, effectively mounted and armed; but I have much doubt whether they would not be found in the way rather than otherwise in a country like Malabar where, I imagine, that the part which is cleared and cultivated, is much broken with embankments and enclosures, and only less unfit, therefore for Cavalry purposes, than the jungle itself. There are besides very few remaining among them who have ever been engaged in actual conflicts, and the events of 1745 tell us how much better horsemen were beaten by less desperate footmen in open plain. Perhaps the presence of a small body as an escort for yourself, while operations were going on, might be attended with some advantage; but you must, however, remember, that I only know the country by hearsay, and of the character of the Moplahs I am still more ignorant; I therefore give my opinion with much diffidence, and it is very possible that it may be altogether erroneous.

No. 6.

REVENUE DEPARTMENT, 24*th September* 1855.

To T. CLARKE, Esq.,

SIR,—I am directed to inform you that the Right Honorable the Governor in Council has been pleased to appoint you Collector and Magistrate of Malabar. You will on receipt of this make over charge of the Civil and Session Court of Madura to the Subordinate Judge; and will proceed to take up your new appointment with all possible expedition.

Mr. Collett, the Sub-Collector and Joint Magistrate now in charge of the Malabar district, is at present actively engaged in investigating the causes which led to the murder of the late Mr. Conolly, and in bringing to justice all parties who are supposed to have been accessory

Digitized by Google

or concerned in that great crime; a task for which his long experience and intimate acquaintance with the province of Malabar give him peculiar facilities. It is the desire of the Government that on your assuming charge of the district, Mr. Collett should be left to complete his inquiries and proceedings on this subject. His reports, however will, of course, be forwarded to Government through you, and it will be open to you in transmitting them to accompany them with any remarks that may seem to you to be called for.

Copy to Mr. Collett.

CALICUT, *24th September* 1855.

MY DEAR MR. PYCROFT,

I may perhaps venture to offer some suggestions in a demi-official form, which it would not be becoming in me to make publicly; what follows, I must therefore beg of you to bring to the notice of the Right Honorable the Governor so far, and whenever you may think most desirable. The worst feature attending these affairs is not the active sympathy, but the apathetic indifference of the most wealthy and leading men among the Moplahs. They will not foment and incite to any particular deed of blood, but they could, if they choose, stop them altogether; they have not the moral courage to come forward and brave the intense prejudices of their caste-men, and declare themselves openly and actively on the side of order. One Attakoya (a Tangul of great reputation), who was actively employed under Mr. Conolly in negotiating the departure of the Tarumal Tangul to Arabia, has, in consequence, fallen into disrepute among his fellow caste-men, and not the least so among those of this very place. Certainly, I consider, that the leading Moplahs here have not shown a proper spirit in the present instance. Nothing but the down-right fear of personal consequences with which I have threatened them, has induced them to throw off the indifference which they have hitherto exhibited. Our first duty is thoroughly to break the neck of this spirit, to make them feel that he who is not actively with us, is against us. I earnestly hope, therefore, that Government will take the same view of Section 7 of Act XXIII of 1854, as I have done, and inflict fines on all amshoms, in which the inhabitants have been remiss in not doing what they might have done to put a stop to the late atrocious affair. I trust that Government will determine to act in the full spirit of the Act, rather than out of regard to its strict letter. If it should become my duty to do so,

Digitized by Google

I should certainly recommend a fine of Rupees 50,000 to be levied on the town and neighbourhood of Calicut, where this bloody deed was committed, where the villains must have been harboured, and where the leading men have exhibited a spirit of apathy for which they ought to be severely reckoned with. I do not wish to convey the idea that there is anything like a spirit of general dissatisfaction abroad, that there is any disposition to a general or even partial outbreak; quite the contrary. But there is an indisposition among the Moplahs and especially the headmen to oppose these constant disturbances. Many (perhaps most) fear encountering the prejudices of their caste-men, many too look with complacency on the influence which they conceive the recurrence of these outrages gives to their caste-people. They have none of them been taught to feel that these outrages are a direct evil to themselves. If I have learnt anything of the Moplah character, I can solemnly assure the Government that unless they will determine to be severe and remove the impression (undoubtedly prevalent) that they are unwilling to use strong repressive measures, there will certainly be a succession of similar outrages in future, though there will be no general active opposition to Government as a ruling power. It appears to me not unlikely that the late murderers were seeking for some cause which might afford a pretext for dying as religious martyrs. They were desperate men, who knew well that their chances were hopeless; they were certain for their crimes to be imprisoned for long time. Some villains probably suggested to them that the deportation of the Tarumal Tangul from the country had never been revenged, and this joined with what personal grudge they had against Mr. Conolly, induced them to determine upon murdering him.

No official has been a stronger advocate than I have been for justice to Moplahs, by giving them a fair share of Government patronage and preventing Hindoo landlords from oppressing them through the Civil Courts; but I am perfectly convinced that while we ought to be just, we ought to be most severe in repressing anything like opposition to lawful authority. The history of the country shows this. In the early part of the century the utmost severity was found necessary; quiet was restored—after a while the uneasy spirit showed itself again, and nothing but severity put it down. Mr. Pearson and Mr. Holland hunted criminals without mercy; the fact of a man or two being shot was not thought of such importance as to be worth reporting. The Courts supported the Magistrates, and his recommendation went far to decide the case; gibbets became numerous

Digitized by Google

and peace was restored. Rewards were offered not for apprehension but for men's heads. A fine old Tahsildar (who died some months ago) told me that he had himself brought in five heads. Again, in Mr. Clementson's time, an uneasy spirit began to show itself in Ernad; there was an energetic Tahsildar (he is not now in our service), and Mr. Clementson supported him with all his authority. Troublesome fellows were dealt with summarily; a man stabbed a peon in Cutcherry, the Tahsildar shot him then and there; so with some others, they committed an offence and showed a disposition to oppose authority, they were shot down like dogs and nothing said about it. In 1849, I found the very threat of acting thus, beneficial; after that great affair there were two men out (it was said with others) who would not surrender to me. I organized two armed parties, ordered them to call upon the men to lay down their arms and surrender, and on refusal, instantly to fire upon them, and promised the reward for them equally when dead as alive. The consequence was, the men had not made up their minds, could not arrange to die in good style as fanatics, and having no mind to be shot as dogs, on the twelfth day after being well hunted came in and surrendered. I do not know that Mr. Conolly quite approved of what I did, though he thanked me afterwards for having preserved the peace of the country. I believe that had the four convicts been at once hunted with armed parties with the avowed intention of shooting them down on the slightest resistance being offered, that they would have been either quickly caught or else have died an ignominious death without any other character than that of escaped prisoners. The vigour of the pursuit would too have prevented their receiving that succour which they undoubtedly have had. Now, they have died with *eclât*—the murderers of the highest European in the province and the avengers of the deported Tangul. Being fully convinced that the wild character of the Moplahs of the interior wholly misinterprets the leniency of civilized men, and only imputes to another feeling the reluctance to shed blood, about which they have themselves not the slightest compunction, I am satisfied that nothing but sternness will put a stop to these constant outrages. My object in the suggestions, which I shall take leave to offer officially for the better organization of the Police, is to provide such a body of men as under competent Officers as Jemadars, Subadars, and in extraordinary cases, European Officers, shall be able to execute the warrants of the Magistrate efficiently and rapidly. The old Malabar trick of taking to the jungle and not surrendering, must be made a desperate game; and even those who do decide on resisting authority,

Digitized by Google

may then be hunted down by parties of Police under Officers whose sole duty it is to apprehend desperate criminals, and not by Tahsildars who have a thousand other duties to attend to.

We are making progress with the inquiry as to the movements of these men after the murder, and shall no doubt find out many of the places to which they went; but I am still more impressed than ever with the advisability, or rather necessity of dealing with these men under Sections 4 and 5 of the Act, instead of committing them to the ordinary Courts. Many cases must break down in those Courts, and many more be quite unfit to be sent up, though I may have no moral doubt about this guilt of the parties. But in all the very fact that their imprisonment comes direct from Government, that such offenders are absolutely under the power of the Magistrates, will produce a much more wholesome effect than any sentence of our Courts. Every man knows what chances he has of getting off in the Courts; but it is a very different thing when they have only the Magistrate to deal with them. The preamble of Regulation II of 1819, appears sufficiently comprehensive to include all those who have aided these criminals, and Section 4 applies the provisions of that Regulation to all who commit any offence punishable under Act XXIII of 1854. I venture therefore to express my earnest hope that Government will be pleased to arm us with the authority to deal summarily with all those who have before or after the murder aided these men, instead of referring the cases to the Courts. I am so convinced that no ordinary measures will influence these men, who are actuated by none of the ordinary feelings, and motives, that I am emboldened to state my ideas fully and plainly, as the certain alternative of not using severity on the present occasion, will be the recurrence of these outrages which have so repeatedly disturbed the Province.

Yours very truly,
(Signed) C. COLLETT.

CALICUT, *27th September* 1855.

MY DEAR MR. PYCROFT,

I have been much gratified by the receipt of your demi-official of the 25th instant. There is one point on which I hasten to say a word, as I apprehend that Government are not probably aware of the feeling which exists on the subject of burning the bodies of Moplahs. It appears to me from the present letter, as also from that of the 19th instant, that the sole object of Government is to guard against the possibility of the remains of these men being ever treated with respect, and that as burn-

Digitized by Google

ing appears to be the most complete method of annihilating the remains, that course will be ordered. The burning of the body is, though, regarded by Moplahs with much horror, and the execution of the order to burn the bodies of these men would no doubt greatly offend the prejudices of the caste generally. The result would be similar to what usually follows religious persecution, to excite a degree of sympathy which would not otherwise have existed. I am doubtful too whether this treatment of the bodies would have a beneficial effect in restraining any of the fanatically inclined from fear of their bodies being similarly treated.

The object of Government in preventing any respect being shown to the remains, may be equally gained by having the remains brought down to Calicut after they have remained exposed for a short time, and either buried within the Jail (which will be very practicable and not inconvenient) or they can be taken some miles out to sea and thrown overboard. If permitted, I would recommend their being buried within the Jail, the remains will then have been treated as those of great criminals have been. To prevent the possibility of respect being shown on the way from Munjerry, a party of the Police Corps might accompany the remains as a guard.

I need not say, that if it is still the desire of Government that the bodies should be burnt, the order shall at once be fully carried out. My object in writing is merely to set the matter fully before Government, as it appears to me probable that Government have no wish in any way to act upon the religious prejudices of the caste; but that, on the contrary, their object is to keep down the spirit of fanaticism by preventing the possibility of the remains of these men being ever treated with respect, and of others being, from this cause, excited to follow their example.

Mr. Collett was told in reply that the Government still thought the bodies should be burnt and was ordered to have them brought down to *Calicut* under a sufficient guard and burnt *there*.

Yours very truly,
(Signed) C. COLLETT.

P.S.—I am sorry that I omitted to mention the arms; there were three *war-knives*, three swords, and two guns. None of the plunder has been yet recovered. Of the 386 Rupees worth of property, above 200 Rupees was in coin. I am especially directing my attention to trace the war-knives. They are old ones and of an inferior description; but, I expect, there are still a few of these weapons abroad.

(Signed) C. COLLETT.

Digitized by Google

OOTACAMUND, *28th September* 1855.

MY DEAR MR. COLLETT,

I have received your demi-official letter of the 24th instant, and shown it to the Governor. I have also sent a copy of it to Sir Henry Montgomery.

The Governor will not at present express an opinion upon the suggestions contained in that letter. They will receive his attentive consideration, and further communication will be made to you hereafter. He has desired me to inform you that a reference has been made to the Government Pleader at Madras for his views, as to the full extent of the powers conferred by Act XXIII of 1854; and that the Government are resolved that these shall be exerted to the uttermost for the punishment of the late inhuman deed, and effectually to guard against its recurrence.

Meanwhile you will, as you doubtless are doing, proceed to trace step by step, and as accurately as possible, the course of the late assassins from the time that they escaped from Jail to that of their destruction at Morar; what during that interval were their movements; in what places they were secreted; and by whom harboured. You will follow up every clue that may lead to the detection of all in any way concerned in the late outrage; and in fine, collect such a body of information on all points connected with it, as shall enable Government to take, with effect, the measures necessary for the repression of such atrocities in future. You have been already told that it is open to you to arrest and hold in safe custody any persons whom you may consider in any manner implicated, and that you can spend any money that may be required to procure information.

Believe me,
Yours very truly.
(Signed) T. PYCROFT.

No. 37 A.

CALICUT, *21st September* 1855.

From C. COLLETT, ESQ.,
Joint Magistrate of Malabar in charge.

To T. PYCROFT, ESQ.,
Chief Secretary to Government, Ootacamund.

SIR,—1. I have now the honor to submit a more detailed report of the occurrences from the 11th up to the 17th instant. The necessity

Digitized by Google

of collecting some details and the demands of other public business which had accumulated during the interval have unavoidably delayed the submission of this report.

2. Nothing could exceed the treachery with which the murder was begun, or the brutal butchery with which it was completed. Mr. Conolly was seated in a small verandah (as was his invariable custom of an evening) on a low Sofa. Mrs. Conolly was on one opposite, a low table with lights on it being between them; he was approached from behind, and even Mrs. Conolly did not catch sight of the first blow which would alone have proved fatal; the next moment the lights were all swept off the table, and the ruffians bounded upon their victim, slashing him in all directions. The left hand was nearly severed, the right knee deeply cut, and repeated stabs inflicted in the back. The wounds (twenty-seven in number) could have been inflicted only by fiends actuated by the most desperate malice. To the cries of poor Mrs. Conolly no one came; the peons and servants are usually present in a passage beyond the inner room; they were either panic-stricken or, unarmed (as they invariably were), were unable to come up in time to afford any real assistance. One poor Mussaljee who came forward, and met one of the murderers in the inner room, received a blow which cut clean off four fingers of his left hand. A peon has also a slight wound, but it does not appear how he came by it. Doubtless this atrocity was rapidly completed, and perhaps the first thought of those servants who came up was to carry off their poor mistress to another part of the house; Mr. Conolly was soon after carried in, and Mr. Tod was the first who arrived to witness the terrible scene of domestic agony that ensued. Supported by Mr. Tod, Mr. Conolly lingered another half hour and then expired, having addressed a few words only to Mrs. Conolly, and apparently endured intense agony. Mr. Conolly had received an anonymous letter warning him, but unfortunately thought it needless to take precautions, and had not even mentioned it to Mrs. Conolly.

3. It seems from all the information at present gathered, that after the murder on Tuesday night, the perpetrators immediately decamped in a direction due east of Calicut. Mr. Conolly's house, I may premise, is nearly three miles north of the town of Calicut, being placed on an isolated hill. From thence they might easily strike off into the road leading to Tambracherry. This was no doubt the best direction for them to fly, as there was no ferry to be crossed, where they might be stopped while they would rapidly get into a jungly country. Towards evening

Digitized by Google

of the following day, they showed themselves at the house of the Kodoovully amshom Adighary. This is about eighteen miles from Calicut, and in a rather jungly part of the country. They only beat the Adighary and threatened him, and slightly wounded his brother Vasudeva Nambary, but robbed the house of property to the amount of Rupees 386. From this they decamped during the night of Wednesday the 12th. On the morning of the 13th only information was received at Calicut, and Mr. Tod marched in that direction with a Company of Sepoys, but had not proceeded far before it was ascertained that the Moplahs had left the house. Mr. Tod then returned to Calicut with the troops. It might have been better if Mr. Tod had proceeded, nevertheless, with the troops, for as it happened the Moplahs seem certainly to have remained in the vicinity, or rather a little more eastward nearer Tambracherry itself during at least Thursday and Friday the 13th and 14th instant, and perhaps also the 15th and 16th.

4. Nothing but minute investigation as to their movements can, though, enable me to report with certainty about them. Mr. Thomas the Acting Head Assistant having joined the District at Calicut on the 15th instant, wrote to me when in Ernad, offering to proceed towards Tambracherry and endeavour to discover the hiding place of the Moplahs if still there, or otherwise to trace the course they had taken in that part of the country, I readily availed myself of this offer and made such suggestions to him as appeared to me likely to forward his inquiry. He is now out prosecuting his search in that part of the country.

5. Why these criminals should have first not only taken this direction, but remained there for two or three days appears to me a point for strict search; they were inhabitants of quite a different part of the country (Ernad, Wolowanad and Shernad)* and unless instigated by others, it seems to me very doubtful that they would have remained there, though they might have at first gone there for the sake of concealment in the dense jungles.

* One came also from Betutnad.

6. The information at present collected as to when they crossed the Beypoor river into the Ernad talook is somewhat conflicting, but I am inclined to expect that it may prove to have been on the 15th or more probably on the 16th.

7. When at Collengode (twelve miles east of Palghaut), I received on the morning of the 13th instant, the first distressing intelligence of the murder of Mr. Conolly, I travelled as rapidly as was practicable, and

Digitized by Google

reached Malapuram, on my way to Calicut, on the morning of the 14th. There I first heard that the Moplahs had shown themselves, and that the troops had marched after them. I followed, and found the troops halted at Munjerry for want of information. Being convinced that the criminals, after the commission of the desperate deed, had thus left the vicinity of Calicut, and had proceeded towards the jungles of Tambracherry, I had no doubt that they would (as turned out to be the case) soon appear in Ernad and Wolowanad, the only part of the District well known to them, and where they had most facilities for hiding and greater chance for getting recruits; here too were their private Hindu enemies, on some of whom it seemed very probable that they would endeavour to wreak their vengeance.

8. The fact of their having escaped from jail on the 4th August and remained hidden so long, and the circumstance (so unusual with fanatics determined upon immediately throwing away their lives), of their having plundered the Adighary's house led to the inference that they were by no means resolved to die as fanatics. That this was the case I am convinced by their subsequent behaviour; their desire was to wander about the country destroying as many of their supposed enemies as they could. For the above and other reasons which I have already had the honor of submitting, I concluded that it was most desirable that I should personally remain in Ernad and Wolowanad and vigorously prosecute the search there. A rumour, though, prevailing that they were gone or going towards the south of Betutnad, a small force of Sepoys was moved in that direction from Palghaut.

9. It will, I know, appear singular to those unacquainted personally with Malabar, and especially with the features of the country inland, that five criminals should be able to move about the country and yet conceal their movements. But the country is extremely hilly and in parts greatly covered with jungle, while perhaps the greatest difficulty of all arises from the fact that the people do not live in villages as in the Eastern provinces, but scattered about in separate houses; it is therefore very easy for them to procure food and shelter from their friends or from those whom they intimidate and who dare not subsequently denounce them for fear of a more disagreeable repetition of the visit.

10. A thorough searching for them, therefore, involved the necessity of turning out the whole country (so to say) after them; the importance

Digitized by Google

of the occasion seemed to authorize it, and I hoped to effect this object by the numerous parties I organized in all directions, by the rewards offered for simply giving information of any movement, and by stimulating the principal landlords of all castes to use their influence among their numerous tenants and dependants for the like purpose. These arrangements, which I commenced on the afternoon of Friday the 14th, began to be in complete operation towards the close of Saturday, the extent of the country over which they were spread being very great. The end, I proposed to myself, was to mark down the men and, I hoped, secure them from leaving any position which they might take up.

11. On Sunday the 16th I received some information as to the Moplahs being five in number and having been seen in the jungles near Munjerry. I renewed the search more vigorously; but I must wait for more minute inquiry before I can describe the probable movements of the Moplahs in Ernad on the 16th and early part of the 17th. An asserted fact that on the morning of the 16th they managed to wrench a musket from a village peon while in the north of the Beypoor river, militates against the information I received as to their being then in Ernad, but the story appears to me to require more investigation. On the 17th, about 9 A.M., they were seen by a hangamy (or temporary) peon, who was employed with one of the parties in the country north of Koondetty. The spot was about three miles, as far as I can ascertain, north of that town, and the direction they were taking was as if they were going towards Munjerry. The peon happened to know one of them; he was, he states, threatened by the Moplahs if he said anything about them, but he managed directly to give information to the Koondetty Adighary, (a Moplah) who immediately started after them with a party of about twenty men. When he came up with the criminals, he had some conversation with them, and they declared themselves the murderers of Mr. Conolly, for which, though, no reason was assigned. They threatened and warned off the Adighary and his party, firing two shots at them without effect; the Adighary's party had no fire-arms, but it is stated that they set to work and threw stones at the five Moplahs. At any rate about this time the head Steward of the Koondetty Tungal (who at my request had been on the alert) had also received information and came up with a large body of men, stated to be as many as 300, and the five Moplahs took to their heels, and in their flight dropped a shield and a small bundle containing cloths and other little articles which were picked up by the Adighary's party. In the direction which the Moplahs

Digitized by Google

took, though, another (the Arimbra) Adighary (also a Moplah) was with his party, and the offenders finding themselves thus beginning to be surrounded, no longer attempted to get off across the country, but fairly took to the main road from Koondetty to Munjerry. All this time the villagers were increasing in numbers, and when the five Moplahs after being followed for some three or four miles along the public road, at last took to the house of the Mondamballutta Mussid, there are said to have been as many as 1,000 men after them, almost entirely Moplahs. A third Adighary (a Moplah), and a Sub-Officer of Police, within whose beat the place was, also soon after came up.

12. Meanwhile, from the first, the Kolatur Adighary had by messengers and reports constantly despatched to me kept me informed of their movements; the troops were held in readiness at the first warning, and as soon as it was known that the Moplahs had been driven into a position some Police were despatched to help to secure them there till the troops could come up. Shortly before receiving the first intimation, I had received in your letter of the 15th, the authority of Government to use my discretion in offering a high reward. I immediately put out a proclamation offering 1,000 Rupees for the apprehension alive of each member of the Gang. One of these I instantly sent off when I heard that the Kolatur Adighary was in pursuit, hoping that the villagers might be induced to close in and capture the men, that they did not do so, is I think not very surprising, and certainly I would not argue from it any sympathy with the ruffians.

13. In the house of the Mussid was a brother of his and his servant; the former managed to escape, but the latter (a young Nair man) was cut down, and a rope being tied to his neck he was dragged out of the garden and thrown into the paddy field which is on one side of it. The house selected by the Moplahs was a rather large up-stair thatched house; it stood in the midst of several gardens, full of mango, cocoanut and arecanut trees, with bamboo clumps and a thick undergrowth of plantains, and such brushwood as a Malabar monsoon always produces. There are several other houses in these gardens, the position being rendered still more difficult by deep nullahs which partly surround and intersect the gardens; the gardens are bounded on one side by the paddy fields (then full of water), on another by the public road, beyond which and on the other two sides the ground rises rapidly.

14. Stationed on a bridge and a rising ground beyond a party of the Police Corps commanded the exit across the paddy fields, the guns with another covering party were on the highest ground beyond the road, while

Digitized by Google

the Europeans and the rest of the Police Corps were arranged upon the remainder of the rising ground on the two other sides.

The practice with the guns was rendered extremely difficult from the luxuriant growth of trees almost entirely preventing a sight of the house; however the result was good, as we found afterwards that one shell had entered the house and exploded, another had lighted just outside the door, and a third gone through an out-house. On examination of the bodies it appeared as if two of them had been wounded by the exploded shells. This probably induced the Moplahs to move to another house more on the outer edge of the gardens.

15. It now appeared that they had no intention of coming out to fight on the open ground as is usual with fanatics, and as the day was closing, it was considered of the utmost importance to settle the matter at once, and the troops accordingly entered the gardens and fired the house where the Moplahs were supposed to be, but from which the Moplahs had probably retreated back to the large house as soon as they found that the troops were coming down upon them.

16. I have already described the dashing manner in which this house was very soon after attacked, and the Moplahs killed outside the door. The same night the bodies of the Moplahs were removed to Munjerry, where I directed them to be all hung in irons on one gallows. The bodies of great criminals used to be similarly treated in Malabar, and I thought the peculiar atrocity of these men's offence deserved such treatment. Munjerry was a more convenient locality than Calicut, while the men were, most of them, inhabitants of that part of the country, one having lived within three miles of the place. The immediate vicinity of the gibbet to the Talook Cutcherry, and the precautions that will be taken, will, I trust, effectually prevent any mark of respect being shown to their bodies; I think, too, the spectacle is likely to have a better effect out there than in Calicut. I trust the step I have taken, though not exactly in accordance with what Government have directed, will yet meet with their approval.

17. My earnest endeavours shall now be directed to tracing out the causes of this desperate outrage. On the 19th I issued a proclamation, a translation of which I now enclose; I trust it will meet with approval. My design is to avail myself of the assistance of all the principal men, especially of the Moplah caste. I shall immediately see them, and shall stimulate them both by the fear of punishment, as well as the prospect of honor to render me that aid which I am sure some of them are fully capable of affording me. In this work the Proclamation of Government

Digitized by Google

dated the 18th instant will, I trust, greatly assist me. I shall endeavor to trace as accurately and minutely as possible the whole course of the offenders from the 4th August, the day they escaped from the Jail. I confess that at present the motives for this crime appear to me somewhat singular. Of the five Moplahs who fell, one was a mere lad of sixteen, who joined them about the 20th August; the other four were the escaped prisoners. Of these one only had been apprehended and punished by Mr. Conolly; the remaining three had all been traced out and imprisoned by my own orders, they having all three been inhabitants of my late division. I beg to append a short Memorandum of the former convictions of these men. The first man was a very desperate fellow, who took me a long time to secure, and he threatened me (though not to my face), I was told, immediately after he heard my sentence; the second was also a confirmed bad character, though I doubted his having the firmness to be desperate; the third I apprehended and imprisoned with two others on a charge of intended fanaticism, of the reality of which I had no moral doubt, though the proof in its legal form would have been thought defective.

18. I consider the assistance afforded by the Koondetty Tangul to have been very great. Had he not responded to my call and had in readiness his large band of men, I feel convinced that these offenders could not have been secured for a long time and probably not till after they had committed many another atrocity. This Tangul has always been on the side of order, the sect of the Moplahs of which he is the head being bitterly opposed to the fanatically disposed, who hold the doctrines of the Teruwangady school. The Tangul holds Servamanyum lands to the amount of Rupees 2,741. These were granted by Tippoo and continued by the English to the former Tangul in consideration of his loyalty. I have known the present Tangul well for the last six years, and he has been a strong opponent of fanaticism and disorder. His sect prevails in Ernad about the town of Koondetty, but is also tolerably numerous in some parts of Wolowanad, where the Tangul has also some property. He has readily promised me the assistance of his influence in my inquiry, and I anticipate that it will prove very useful to me especially in Wolowanad. I trust therefore that the Government will permit me on the present occasion to recommend that some marked recognition of his services should be shown, especially as I can assure the Government that the whole weight of his influence has always been opposed to fanaticism. I beg leave to suggest that a present from Government of a handsome palanquin would gratify the old Tangul, be regarded by others as a proof

Digitized by Google

of the favor of Government for the well disposed, and stimulate others of like rank to win a similar mark of favor. As the Tangul is accustomed occasionally to make tours, a palanquin would be an acceptable gift.

19. The Koondetty Adighary was also very forward on the present occasion, and as he is one of my best Adigharies in that part of the country, remarkable for his activity, intelligence and zeal, I would propose that the first opportunity should be taken to reward him by giving him a Talook Sheristadarship or other similar office, for which he is, I think, competent.

20. The temporary peon who first gave the information appears to have acted cleverly and coolly; and I would propose to reward him by a present of Rupees 50, and a permanent situation as a peon. Mr. Conolly's Mussaljee* has from the loss of his fingers been greatly incapacitated for further service. He is a man of the age of sixty-six years, and in consideration of his wound, I would beg leave to propose his being pensioned on five Rupees per mensem. I am not at present sufficiently informed of the circumstances of the young Nair man killed by the Moplahs, or of the Nair shot down by the troops through mistake, to be able to make any recommendation in their cases. The latter was an amshom peon, his house was one of those in the gardens. Whether his design was to save any property, or that he hoped to remain hidden and was frightened out by the shelling, I cannot say; his death cannot be said to have been the fault of the troops; it was extremely improbable that any Hindu would have remained in such a spot after fanatical Moplahs had taken possession of it, and when he was seen rushing out just where the Moplahs were momentarily expected to appear, it was natural enough that the troops should have fired.

* Cheroomanakut Shangaren.

21. In the inquiry as to the causes of the murder of Mr. Conolly there have already suggested themselves to my mind various points for great suspicion and research, but as I am only just taking up the subject, it would be premature for me to dwell upon them. I can only assure the Government that if it should be their pleasure to leave the investigation in my hands I will spare neither toil nor effort to detect all who have in any way aided in the foul murder of one under whom I have had the privilege and pleasure so long to serve.

22. I do not anticipate that the measures I shall adopt for detecting all aiders and abettors in this crime will, though they should be

Digitized by Google

vigorous and involve the arrest and detention of a variety of persons, some of whom may be influential men, result in any danger to the peace of the country. As though Government has expressed an intention vigorously to carry out the provisions of Act XXIII of 1854, I have on further consideration re-called the permission I had given for the return of the force of fifty European Soldiers detached here before the disturbance was put an end to, and have concluded that as I can receive the orders of Government within a very few days and the detention of the men for that period is of no importance, it will be better to leave it for the decision of Government whether the precaution of retaining this force here for a month or so till the investigation is completed had not better be adopted. I beg to submit my opinion that such a step might on the whole be desirable, and those with whom I have consulted appear of the same opinion.

23. There are one or two points in Act XXIII of 1854, on which I am not clear. I am doubtful whether Section 7 will include amshoms (parishes) in which offenders, though not permanently resident, have been in hiding, so that the inhabitants of such amshoms will also be liable to a general fine. It is obvious that on the present occasion, as the offenders escaped from jail, the inhabitants of the amshoms in which they had before permanently resided cannot be called to account unless they have been guilty after the escape of allowing the offenders to return to their homes and remain there without giving notice to the authorities. It is equally obvious that on the present occasion these Moplahs have been harboured in numerous places, and the inhabitants generally of such amshoms may justly be considered as much guilty of neglect and indirect connivance as those of the amshoms in which the actual homes of the criminals were. And this has always been the case more or less in these affairs, the offenders have always found in other amshoms shelter which had the inhabitants generally been on the alert or perhaps not actually conniving they never could have obtained; it is this fact that has always been a great hinderance to our efforts in discovering such offenders. I have therefore concluded that by residence it was intended to include any residence during the interval that the criminals were running their career of crime.

24. I beg leave further to draw the attention of Government to a practical difficulty which will arise if the trial of all who have received and otherwise aided these offenders must be held, as seems to be required by Section 2, before the ordinary Courts, and their guilt determined upon the usual formal rules of evidence. These men in moving about have received shelter and food from many who assisted them with a

Digitized by Google

guilty knowledge of their acts and intentions, and yet in the vast majority of instances there can be no other evidence than that of the verbal testimony of one or two witnesses, if even that; it is well known that our Courts never will receive or convict on such proof, and yet there may be a variety of circumstances not tangible enough to be brought into a Court, but from which no moral doubt can be left as to the guilt of the accused. It was by such means, that previous to the passing of the Act, we, as Magistrates, were enabled to satisfy ourselves in several instances as to the reality of the guilty intention of many persons to become fanatics, though it was utterly impossible to prove the charge as our Courts require it to be done. After the affair in September 1853, I took great pains to trace the aiders and abettors; fortunately I obtained through a man, admitted as an approver, evidence sufficient to commit five men; two were convicted, but sentenced to only two years' imprisonment; two were held to security, but only to an amount that I am in the habit of ordering a common thief to furnish; the fifth was acquitted; yet all the country knew that four of these men were certainly guilty, and that two of them by their activity and zeal deserved transportation for life, if not death.

25. On the present occasion, the greatest crime that could be committed has been perpetrated with peculiar atrocity. The criminals had long been at large, and must have been harboured by many, and the people are now waiting to see how so great a Government as ours will adequately assert its authority. After some years of experience amongst the most criminal part of the population of Malabar, I trust I may be pardoned for clearly intimating the course which having often felt the difficulty of bringing the greatest criminals to justice, I think must now be pursued in order adequately to carry out the wishes of Government by punishing those who have in any degree aided in the commission of this foul crime. I propose, therefore, that the trial of such persons should not be left entirely to the Courts acting under the ordinary rules of formal evidence, but that Sections 4 and 5 should be chiefly put into force, and that (as it appears to my humble judgment the preamble of Regulation II of 1819, will fully allow of) all persons of whose complicity there can, on inquiry, be no room for moral doubt should be deported from the country on the recommendation of the Magistracy, the term and rigour of their detention, varying with the degree of their guilt. In this way alone, I humbly submit, the Government can fully carry out their object, adequately assert their authority, and strike a blow that

Digitized by Google

shall do more than any thing else to prevent a repetition of any such desperate outrages. Permission from Government to intimate that Sections 4 and 5 will be employed in the manner I have suggested, would greatly strengthen my hands in the investigation now in progress.

26. With a view to strengthen the local Police of Calicut, I have exchanged the Tahsildar and put in a more efficient and active man ; I shall also have a few men of Major Haly's Corps to aid the ordinary Police, where I may think it necessary, in efficiently carrying out my orders. I hope too to be permitted shortly to submit a few suggestions for at once beginning to improve the efficiency of the ordinary Police force; such property as the five Moplahs possessed will be at once dealt with in accordance with the latter part of Section 2 of Act XXIII of 1854.

27. I shall in accordance with the orders of Government report from time to time my proceedings.

MINUTE BY THE RIGHT HONORABLE THE PRESIDENT.

It appears to me that Mr. Collett has acted with great energy and judgment, and I am quite prepared to sanction all the proposals which he makes in his report.

I think, however, that the bodies after hanging for a short time should be burnt.

The Koondutty Tangul should receive the thanks of Government, and the palanquin, as recommended.

The Adighary should also be rewarded, and the Peon.

And a pension given to the Mussaljee.

The investigation should be left to Mr. Collett.

It is clear that the law should include all such parishes as are referred to, wherein the criminals have found refuge.

I am prepared to give effect to any power the Government possesses to punish any persons guilty of complicity ; and I am resolved that no efforts shall be wanting on my part to make a most effective example, even if it go to the length of confining offenders until the law be altered so as to render it more effective ; and the Government must obtain the power of deporting any persons of whose guilt they are morally convinced.

The opinion of the Government Pleader should be taken at once, as to how far Government can go now, and further power, if necessary, should be applied for at once.

(Signed) HARRIS.

Digitized by Google

MINUTE BY THE HONORABLE SIR H. C. MONTGOMERY, BART.

I concur with the Right Honorable the President in considering Mr. Collett to have evinced great judgment and energy, and I believe that in proceeding at once to Munjerry instead of to Calicut, he exercised a sound discretion The effect of his presence and influence was speedily shown in rousing the people to exertion, and in securing information of the movement of these desperate wretches. The Kondutty Tangul having effectively aided the Magistracy, and having always been an opponent to these fanatic exhibitions, which there is reason to believe have some support from the adherents of the Teruwangady Tangul deserves some recognition of his services in the cause of good order, and I trust tbe honor now proposed to be conferred on him will ensure his exertions in the prosecution of any persons concerned in the murder of the Magistrate.

It seems to me very desirable that the bodies hanging in chains should, after a time, be burnt, and all traces of them destroyed.

If Sections 4, 5 and 6, Act XXIII of 1854, now in force, are insufficient, I concur with the President that public powers should be obtained; but my impression is that Regulation II of 1819 will be found available for any case which may have occurred previous to Act XXIII of 1854 being in operation, and that it may, without objection, be fully acted on in accordance with the opinion of the Honorable Court.

(Signed) H. C. MONTGOMERY.

1st *October* 1855.

JUDICIAL DEPARTMENT.

No. 716.

Extract from the Minutes of Consultation, dated 3rd October 1855.

Read the following Papers:—

From the Joint Magistrate in charge of the Malabar District.

(Here enter 21st September 1855.)

Minute by the Right Honorable the President.

(Here enter No. 798.)

Minute by the Honorable H. C. MONTGOMERY, BART.

(Here enter 1st October 1855, No. 791.)

In the above letter, Mr. Collett, Joint Magistrate in charge of of Malabar, submits a more detailed report, than he had previously fur-

Digitized by Google

nished, of the occurrences connected with the murder of the late Mr. Conolly, and with the destruction of the assassins.

2. The report is still incomplete. The movements of the murderers from the commission of the crime to their own destruction by the troops have to be more fully traced; the motives which led to the perpetration of the foul deed had yet to be developed; its instigators and abettors to be followed up and detected. These researches must be a work of time, but they will, no doubt, be vigorously and thoroughly carried out by Mr. Collett, with whom the inquiry will be left.

3. Meanwhile the information already before Government proves to them that Mr. Collett has acted with great energy and judgment, and they are fully prepared to support the proposals made in his report.

4. They, however, direct that the bodies of the murderers after hanging for a short time on the gibbet, on which they have been exposed, should be burnt; care being taken that the very ashes be so disposed of, that they be not collected nor made objects of fanatical veneration.

5. The Government readily accede to the recommendation of the Joint Magistrate in favor of the parties who have been forward in affording information and assistance to the District authorities in their pursuit of the ruffians. The acknowledgments of Government are especially due to the Koondetty Tangul. A handsome palanquin will, as suggested by Mr. Collett, be presented to the Tangul in testimony of his services. Mr. Collett will advise the Secretary to Government as to the way in which it should be fitted up; its color, decorations, &c., so as to render it most useful and acceptable to him. Meanwhile the intention of Government to confer upon him this mark of their regard will be immediately made known to the Tangul.

6. The Koondetty Adighary should be appointed to a Talook Sheristadarship on the earliest opportunity. The temporary peon, referred to in paragraph 20 of the report, should be brought on the permanent establishment, and a reward of fifty Rupees be made to him immediately. A pension of (5) five Rupees per mensem will be conferred on Cheroomanakut Shangaren, Mr. Conolly's Massaljee, from the 11th ultimo, the date of his master's death. The pension will be disbursed at once; but it will be subject to the confirmation of the Government of India to whom it will be reported for approval.

Paragraph 22.

7. The Detachment of Europeans now at Calicut will remain there until further orders.

Digitized by Google

8. With regard to the point submitted in paragraph 23 of the report on the construction of Act XXIII, 1854, it appears clear to Government that Section 7 must include all the amshoms or parishes in which the criminals had found refuge between their escape from jail, and the commission of the late murderous outrage.

9. On the subject of paragraph 24, the Government would observe, that when it may be practicable to bring home the guilt of connivance and complicity in the late crime, to any person by clear legal evidence and such as may seem likely to ensure conviction before the regular Courts, the accused should be committed thither that he may receive the full measure of punishment due to his offences. When, however, the testimony obtainable though sufficient to remove all moral doubt may not amount to strict legal proof, the case should be reported to Government with full particulars, and it will be for them to consider whether the parties should be subjected to the provisions of Section 4 of the Act and placed in confinement either in the Malabar Zillah or in any other. It will of course be competent to the Joint Magistrate under Section 5 to arrest any such persons and keep them in safe custody until the pleasure of Government be known respecting them.

10. The Government are prepared to give effect to the full powers vested in them for the punishment of any parties guilty of complicity in the late atrocious deed, and they are resolved that no efforts on their part shall be wanting to make the most effective example, even though it should go the length of confining offenders until the law be altered so as to render it more effective, and until Government can obtain the power of deporting beyond the limits of India any persons of whose guilt they entertain a moral conviction.

11. Resolved that reference be at once made to the Government Pleader for his opinion as to the powers which Government possess under the existing law, and in view to any more stringent powers that may be needed being applied for immediately.

(Signed) T. PYCROFT,

Chief Secretary.

Digitized by Google

MADRAS, *5th October* 1855.

From J. B. NORTON, ESQ.,
Government Pleader.

To J. D. BOURDILLON, ESQ.,
Secretary to Government, Fort Saint George.

SIR,—I have the honor to acknowledge the receipt of Extract of Minutes of Consultation, under date 3rd October 1855, together with its enclosure.

I am of opinion that under Section 4 of Act XXIII of 1854, the Governor in Council possesses the full power of Regulation II of 1819, and Act V of 1841. The former of these enactments refers wholly to the *confinement,* the latter to the *trial* of persons suspected or accused; and as I read Section 4, it bestows on the Governor in Council the full power of Regulation II of 1819 as to confinement, the full power of Act V of 1841 as to trial.

It is open, in my opinion, to the Governor in Council to issue a Commission for trial under Act V of 1841; or if, for any reason which is satisfactory to him, he deems it expedient to proceed against the accused, as though they were persons who had committed *State* offences, he may apply the provisions of Regulation II of 1819 to them, and deal with them without trial.

There is no power to "deport beyond the limits of India" conferred upon the Governor in Council by Regulation II of 1819, but the powers of removing dangerous individuals from the scenes where their presence is likely to create mischief are very ample and indeed extraordinary. It may be questionable whether the Legislative Council would be prepared to extend those powers; the application for an amendment must necessarily take time, and to a certain extent interfere with the effect of an example which in some measure depends upon the rapidity of the blow.

No. 735.

ORDER.

Ordered to be communicated to the Joint Magistrate in charge of Malabar, for his information and guidance, with reference to paragraphs 8 to 10 of the Extract Minutes of Consultation, October 3rd, 1855, No. 716.

(Signed) J. D. BOURDILLON,
Secretary to Government.

FORT SAINT GEORGE,
6th October 1855.

Digitized by Google

CALICUT, 29TH SEPTEMBER 1855.

No. 40.

From C. COLLETT, Esq.,

Joint Magistrate of Malabar in charge,

To T. PYCROFT, Esq.,

Chief Secretary to Government,

Ootacamund.

SIR,—I have the honor to report, for the information of the Right Honorable the Governor in Council, that in accordance with the proclamation by Government on the 18th instant, I have called upon the principal Tanguls and Moplahs in and about Calicut especially, and generally throughout the country, to afford me assistance in prosecuting the inquiry into the causes of the murder of Mr. Conolly. The Head Moplahs of Calicut had hitherto shown a spirit of indifference, the fact of the leading Moplahs having neglected to follow the example of most of the other inhabitants, and visit Mr. Conolly's Bungalow on the day following the murder, or to attend at the funeral, is certainly very unsatisfactory and unpleasant. Further, they did not exert themselves efficiently or fully before the murderers were destroyed. Now, after I have threatened them with personal consequences, they have been moved to greater exertions, and after a meeting held at one of the mosques, some of the leading members of the body have been engaged in assisting the Police.

2. I think I have ascertained correctly in whose house the murderers were harboured near Calicut, and from whence they proceeded to commit the murder. The Moplah and his son (of whose complicity I have also grounds for suspicion), are in safe custody. A moulud or religious ceremony was performed at this man's house on, I think, Monday* evening, and it may not improbably turn out that the murderers were concealed in this house for more than one day. I have, though, experienced great difficulty in procuring proof in the legal form required by the

*the 10th September.

Digitized by Google

Courts. I have in custody several who were present at the " moulud" and am actively engaged in searching for more complete evidence.

3. Much progress has also been made in discovering in whose houses the criminals procured food and shelter from the 12th to the 16th instant. The parties, though, thus detected are persons of no importance. The inhabitants of Tambracherry appear to have been guilty of, to say the least, extreme negligence in omitting to give information as to the movements of the criminals, but there have been already secured sufficient grounds for bringing many of them to account. Mr. Thomas, who had commenced on the inquiry in this part of the country, has sent in a good many Moplahs whom I have detained in custody. Mr. Thomas, though, left last night for Tellicherry, from which place it is desirable, I think, that he should be no longer absent.

4. I have also discovered much as to the movements of the criminals in the Betutnad talook from about the 23rd August till the 29th. This was evidently an important interval as they had by that time clearly made up their minds to die as fanatics, and from the singular anonymous writing sent to Mr. Conolly it seems certain that they had already formed their design upon his life. The actual residence of one of the criminals was just within the limits of the Cootnad talook, but his chief resort, as also the place where his relatives lived, was the Betutnad talook, where he had two wives, both of whom he divorced during this interval, and gave to them and to some others among his relatives various sums of money. The fact of his having divorced his wives was a certain sign of his fanatical intentions, and, indeed, one of his male relatives had admitted that he suspected his intentions. Nalagatha Moideen, the party criminated in the anonymous writing is a man of property and influence. I have secured him, his son and (Mamussan) brother-in-law. It is quite clear that he and his son at least were aware of the presence of the criminals in the town of Betut-Poodiangady, and did not take the steps they might have done to secure them.

5. They, however informed the Mussulman Tahsildar the next morning, and it is quite incredible to me that the Tahsildar, with moderate care then could have failed to have ascertained the details of the visit and the fact of the divorces which the relatives have now without hesitation, in the first instance, stated to himself. Anyhow he was bound to report to the Magistrate the nature of his information instead of stating merely that he heard from some persons that they had been seen in Poodiangady.

Digitized by Google

6. Nalagatha Moideen and his son are despite their property, men of indifferent character; they have, though, many private enemies. The other party alluded to, "Mamud Kutty Muppen," though a man of much property, is also one of very doubtful character, having long been suspected, and I fear, with justice, of harboring gang robbers and other bad characters. Neither of these men, though, had reason for enmity against Mr. Conolly; but the last named person quite otherwise. I have not yet found any ground for taking steps against the person of this man, Mamud Kutty Muppen. I sent for him, though, some days ago and seriously admonished him, stimulating him to prove his own loyalty by aiding in the detection of all who in his neigbourhood have in any way aided the criminals.

7. The negligence of the Tahsildar appears to me to have been very gross and deserving of notice. He served for some time before under me, and I considered then that I had reasons to form a very low opinion both of his efficiency and his integrity. Mr. Conolly, though, differed from me in opinion as to the soundness of my views, though subsequently a further instance of neglect which I had to bring to his notice led to the Tahsildar's removal to another talook. These occurrences have, though, caused me to hesitate in acting so promptly as I should have otherwise done, in suspending the Tahsildar. I propose to leave the matter now for the decision of Mr. Clarke.

8. I have further gathered some information as to the movements of the five Moplahs from the time they left Betutnad till the morning of the 7th instant. This information is, though, still far from complete, and I have not yet secured the attendance of all the parties I require. The next and most important interval is that, from the 7th up to the 11th and hitherto, the search has been unsuccessful in tracing their movements on these days. I suspect, though, that during all this time the criminals cannot have been far from Calicut, and I trust that the inquiry which I am prosecuting may shortly lead to a discovery of their movements. On this inquiry I am not only myself engaged, but the new Tahsildar of Calicut (who, as I mentioned in a former letter, is an efficient man, possessed of local knowledge) is also wholly occupied, aided by the exertions of the principal Moplahs of the place.

Dated 21st September 1856, para. 26.

9. The previous movements of the offenders from the 4th August (the date of the escape) up to the 15th when the robbery was committed by them in the Wolowanad talook, and from the 15th up to the 23rd

Digitized by Google

August when they left that part of the country form the subject of the inquiry which I have deputed to the Tahsildars of Ernad and Walowanaad, in which talooks it seems to me most probable that the criminals were during that period. Some successful progress in this inquiry has also been reported to me.

10. The Government will probably be desirous of seeing the anonymous warning addressed to Mr. Conolly, and I have therefore enclosed a translation of it. It is a singular production, and from its details would probably have led in other countries to precautions being used. But besides that in Malabar we are constantly receiving anonymous communications; nothing was more foreign to Mr. Conolly's habits, than the idea of taking personal precautions. I have never seen Mr. Conolly armed, and have known him to ride unattended through the country while a disturbance was in progress. The very fact of insinuations having been made against him of over-care for his own person led him to avoid anything that might give even the appearance of ground for such a charge. On the receipt of the present warning, he therefore only laughed at the entreaties of those of his officials who suggested that he should employ the moderate precaution of some guard at night.

11. As it seems very desirable to ascertain the author of this writing I have published a reward of 100 Rupees on the part of Government and 100 Rupees also on the part of a Tangul of this place who lives not far from Mr. Conolly's house, and is taking an apparent and, I trust, a sincere interest in the present inquiry. I am daily receiving anonymous communications, many are clearly the result of personal enmity against those whom they accuse, others accuse generally the Zamorin Rajah and Karimbilly Kurup (a wealthy Hindoo of this neighbourhood) and the Beebee of Cannanore with whom Mr. Conolly had occasion to come into collision on various matters. Few contain anything like probable information, though some pretend to point out the causes of these disturbances dwelling on the much vexed question of the employment of different castes in the public service; a few contain threats.

12. I beg to enclose also a Proclamation offering different rewards for the conviction of parties implicated in various degrees in the crime of five Moplahs and I trust that the sums I have taken myself to name will meet with the approval of Government. I regret, though, to add that the course of the inquiry hitherto has only tended the more to convince me of the difficulty there will be in bringing home the charges should the parties, who may appear to have been implicated, be put on their trial in

Digitized by Google

the ordinary Courts. The fact that the actual murderers were not recognized at the time, causes some difficulty. Mrs. Conolly has not the least idea as to the identity of the Moplahs; the same with the Mussaljee whom I ordered to be sent out to look at the bodies, but who declared he would not be able to recognize any of them. Two very small pieces of a knife (at first supposed to be part of a sword) which were picked up in Mr. Conolly's house soon after the murder, have now been found to fit exactly to a war knife taken from the five Moplahs, they are clearly part of the knife, though the two do not entirely fill up the space in the injured knife. The five Moplahs also more than once declared themselves murderers of Mr. Conolly. The offenders were not, though, personally known in the part of the country they frequented from the 12th to the 15th or 16th, and I now find it necessary by means chiefly of their arms and clothes to establish their identity with the five men shot in Ernad. I am sorry to be obliged to add that I fear the want of success in tracing the criminals near Calicut is greatly owing to the perverseness of the leading Moplahs, who, afraid of the consequences of the men being shown to have been near Calicut, do all they can to get up evidence to show that they came from a distance. I have sent again for some of them, and shall warn them that honesty will be their best policy, and that I will not be deceived by such artifices.

WRITTEN FOR THE INFORMATION OF H. V. CONOLLY, ESQ., COLLECTOR OF MALABAR.

The four escaped convicts from the jail with another person, in all five, went on Thursday the 14th instant (28th August), about twenty narighas (2 A.M.) of the night to Nalagatha Moideen's house, situated in the Illatha garden at the Tripangod amshom in the Betutnad talook and spoke to his son Pucky Cooty. One of the four offenders by name Moideen of the Kootnaad talook was a party to the robbery committed in the Tavanoor Numboodry's house at the Tripangod amshom. Shares have not yet been made of the copper utensils, &c., taken in the robbery. Pucky Cooty and his uncle Koonatha Mamussan being the principals in that robbery had charge of the said articles. On asking for the value of the property falling to Moideen's share, meals, &c., and 5 Rupees were given to them (the offenders), Moideen has therefore relinquished his claim to the spoil. On quitting the house immediately afterwards, they were asked

Digitized by Google

to what place they were going, they said that they were going to Calicut by the eastern road, because if they took the main road they would not be ferried over the rivers. As they were going they said, what appeared to be an idle assertion that they would not show themselves openly until they had put the Collector or the 2nd Sheristadar to death; and that after doing this, they would come forward and throw up their lives. Four narighas (one hour and thirty-six minutes) afterwards Moideen and his son, Pucky Cootty, reported the matter to the Tahsildar. The said five persons (the offenders) walked about the town in order to make the Tahsildar believe that they had left it. While thus wandering about, they went by the Kalpaganjery road to the Muppen,* saw him and then proceeded to Calicut. Pucky Cootty, Mamussan and Mamud Kutty Muppen, are persons who caused the Vetal house at the Vadakamprom amshom to be robbed.* The two former are in possession of the spoil, and if the Sahib wishes to obtain the same, he will succeed in his object if he causes the tank towards the west of the granary situated in the Illatha garden in which Moideen resides, as well as the said granary and his house to be searched. The tank contains valuable jewels, copper utensils, &c. Nothing will be discovered if the Mussulman Tahsildar of Betutnad who greatly favors the said persons, comes to know of this. To effect a discovery, the Cherpoolcherry (Nedoongnad) talook Tahsildar Amboo should be sent up, without the knowledge of any one at Betutnad, who, as well as the Mussulman Tahsildar, should know the object of the mission only after his (Amboo's) arrival near the tank and the house, when the property will be found. If the Mussulman Tahsildar, remain here six months longer, Pucky Cootty and Mamussan will commit many robberies and theft. The people of Betutnad and Angaddipooram (*i. e.*, Wolowanad) talook are persons of very bad character; and unless torture be resorted to and approvers admitted in robbery cases, that offence as well as thefts, will be on the increase. As the late Betutnad Tahsildar, Shangara Maraar, was not in the habit of receiving bribes, the people of that place were very afraid of him. The fact of the aforesaid Moideen, his son Pucky Cooty, Mamussan and Mamud Kutty Muppen being persons of the above description and of principles far from honest was known to the (second) Sheristadar when he came to dispose of the Betutnad Rajah's estate. The Sheristadar out of friendship to the Sahib and with the view of saving the Sircar from loss, does not receive any bribe at all; hence, when he goes to

* Supposed to be Mamud Kutty Muppen.

* This robbery took place on the 15th August 1855.

Digitized by Google

any part of the country he, by his ability, becomes acquainted with the true character of every one. I swear by God that the above are true facts. I was willing to appear before the Sahib and represent the circumstances in person, but am deterred from doing so by a dread of the influence of the said persons and of the Mussulman Tahsildar who acting according to their suggestions. I obtained correct information of the said matter on the 16th Chingom (30th August).

This is written and despatched on the 17th (31st) in consequence of the regret I feel at the avowed intention of the offenders against the Sahib and the Sheristadar.

(True translation)
(Signed) C. COLLETT,
Joint Magistrate in charge.

JUDICIAL DEPARTMENT.

No. 7.

Extract from the Minutes of Consultation, dated 3rd October 1855.

No. 4, A. Read the following letter from the Joint Magistrate in charge of the Malabar District.

(Here enter 29th September 1855).

No. 4, B. The Joint Magistrate in charge of the Malabar District reports the progress made in tracing the proceedings of the murderers of the late Mr. Conolly, and the parties who were privy to, or abetted that act.

Paragraph 9. 2. The movements of the assassins from the 4th August, the date of their escape from Jail, to the 15th, when they committed a robbery in the Wolowanad talook, and from that day to the 23rd, when they quitted that part of the country, are being investigated by the Tahsildars of Ernad and Wolowanad, in which talooks the criminals more probably were during that period; some successful progress in this inquiry has been reported to the Joint Magistrate.

Paragraph 4. 3. Much has also been discovered as to the movements of the Moplahs in the Betutnad talook from about the 23rd to the 29th August. By this time they would seem to have resolved on the assassination of the late

Digitized by Google

Collector, and on dying as fanatics. One of them divorced his two wives and gave them and some of his relatives various sums of money, a certain sign of his fanatical intention, which indeed one of his male relatives admits that he suspected. Three parties who are supposed to have been cognizant of these proceedings, and who are criminated in the warning letter addressed to the late Collector have been arrested, and this part of the inquiry will no doubt be closely followed up.

4. Some information as to the presence of the criminals in the town of Betut-Poodiangoody, but of what nature is not very clear, does appear to have been furnished to the Tahsildar of the talook. The Governor in Council agrees with the Joint Magistrate that with ordinary care and attention, this Officer could not have failed to have made himself acquainted with the suspicious circumstances above referred to, and that his negligence has been most gross and culpable. The Tahsildar's previous conduct does not seem to have been good. Mr. Collett proposes to reserve the present matter for the decision of the Magistrate, Mr. T. Clarke. The Government do not think that such a question should lie over at all. The Tahsildar should at once be called upon for his defence, and unless he can fully exculpate himself from the charge of remissness and neglect of duty should be at once dismissed. Should there appear on further investigation to be grounds for charging him with connivance, as well as neglect of duty, he will be dealt with accordingly.

Paragraph 8.

5. Some information has been gathered as to the movements of the five Moplahs from the time of their leaving Betutnad, apparently on the 29th August, to the 7th September. Nothing has yet been discovered as to their movements from this last day to the 11th or that of the murder, and diligent inquiry is being made, to fill up this important interval. It is suspected that all this time the criminals cannot have been far from Calicut, and Mr. Collett thinks that he has ascertained correctly in whose house the murderers were harbored near Calicut, immediately before the murder (if not for a longer time), and from whence they proceeded to commit the deed. The celebration of a Mailad or religious ceremony in this man's house on the evening preceding that of the murder is a most important circumstance, and will of course be made the subject of searching inquiry. The investigation should embrace all who were present on the occasion, especially

Paragraph 2.

Note.—The 10th Sept. This could not have been connected with the Mohurum, as this did not begin till the 13th.

Digitized by Google

any Tanguls or priests. It should also be extended to the family Tangul of the Moplah in whose house the ceremony took place, or the Tangul whom he usually follows, even though the priest should not have been present when the rite was solemnized.

6. Much progress has been made in discovering in whose houses the criminals procured food and shelter from the 12th September, or the day after the murder, to the 16th, or that preceding their destruction by the troops.

7. The above are the chief items of information contained in the letter now recorded. The Governor in Council has only to express his desire that the clues thus afforded be vigorously followed up. He trusts that all connected with the late foul deed, its motives, agents, instigators, and abettors will be fully explored—and such a body of information obtained as will enable Government to take the most stringent and effectual measures for the punishment of all implicated and for the prevention of such crimes for the future. The rewards offered in the Proclamation are approved. Those in paragraphs 4 and 5 may be raised, should the Joint Magistrate see occasion.

(True Extract.)

(Signed) T. PYCROFT,

Chief Secretary.

CALICUT, 8*th* *October* 1855.

No. 46.

From C. COLLETT, Esq.,

Joint Magistrate of Malabar in charge.

To J. D. BOURDILLON, Esq.,

Secretary to Government, Judicial Department,

Fort Saint George.

SIR,—I have the honor to report for the information of the Right Honorable the Governor in Council that, in accordance with the orders of Government, the bodies of the five Moplah fanatics, the murderers of the late Mr. Conolly, were brought down to this place and this morning publicly burnt, the ashes being subsequently collected and buried within the walls of the Jail.

Digitized by Google

2. The bodies were of course in a high state of decomposition, so much so that it was difficult to approach the gallows. They were immediately covered with lime and wrapped up in mats and then conveyed six or seven miles across country to the river, and from thence brought in boats to Calicut. I had at first intended to have had them burnt in the open space near the permanent gallows about 1½ mile north of the town; but to reach this spot the bodies would have had to be carried past the town, and I was unwilling to risk the danger they might cause in their present condition. I therefore selected a spot at the mouth of the river, about one mile south of the great bazar, but in fact the limit of the suburbs (inhabited entirely by Moplahs) which extend to the river.

3. The spot was even more public than that I had at first thought of, being visible from the Calay bridge and the large timber yards and numerous houses on the same side of the river. Major Haly was at Munjery when the bodies were removed from the gibbet, and he subsequently came down the river to Calicut. The guard was furnished from his corps, and consisted of two Havildars' guards in separate boats, there were also a party of the ordinary Police under the charge of a Sub-Officer of Police. The Government will, I think, be glad to know (as it indicates the feelings of the men of the Police Corps) that the Moplah Subadar requested Major Haly to permit him to have the command of the guard detailed for this duty.

4. The bodies reached the spot at daybreak, and I remained there till about 8 A. M., by which time the bodies were pretty well consumed. On account of the size of the pile, it was impracticable to attempt to collect the ashes of the bodies till about noon, when, after water had been poured on the fire, the ashes were carefully collected and removed to the hole dug for them within the walls of the Jail. This duty was carefully performed under the superintendence of the Calicut Police Ameen (a Tier) and there is, I trust, not a chance left of the remains of these men ever receiving any mark of respect.

5. At the place itself there were present between 2 and 300 spectators, and these, as far as I could observe, were without exception Hindoos. On the opposite or southern bank of the river I observed some Moplahs, but they were at a considerable distance and partly concealed in the gardens. I should suppose them to have been about fifty in number. The absence of Moplahs is, I consider, a remarkable fact; the Pattimars in course of construction near the spot and the timber yards along the north bank of the river are generally busy scenes; they were almost

Digitized by Google

deserted this morning, and the few Moplahs scattered through the timber yards were all engaged in their work. At the back of the timber yards, and indeed as far as the large bazar, there are numerous Moplah houses containing a population of many thousands. If the absence of all members of the Moplah caste was not a preconcerted matter, it argues much for the singular unanimity of feeling among them. I am, though, strongly inclined to believe that, had there been no preconcerted arrangement, many of the lower classes of the Moplahs must have been attracted by their usually great propensity for sight-seeing.

6. Major Haly informs me that there was a similar absence of Moplahs to be remarked at Munjery. This may in part, though not entirely, I think, be accounted for by the fact that the intention of removing the bodies at the time had not become very generally known. I shall make it a point to endeavour to ascertain the feeling of the caste generally as to this occurrence, and whether the marked absence of Moplahs among the spectators was the result of any arrangement among themselves.

Calicut, *26th October* 1855.

No. 53.

From T. CLARKE, Esq.,

Magistrate of Malabar,

To T. PYCROFT, Esq.,

Chief Secretary to Government,

Judicial Department, Fort St. George.

Sir,—I have the honor to submit for the consideration and orders of Government a letter from the Joint Magistrate of this District having reference to an Extract* from the Proceedings of the Court of Foujdaree Udalut, in which the Judges of that Court have expressed their opinion that "as the death of the five Moplahs killed at Morar, while resisting the authorities, occurred on the 15th † September and the proclamation published in the Fort Saint George Gazette on the 18th September, declared the whole District of Malabar subject to the provisions of Act XXIII of 1854 from the latter date, there is reason to

* Copy enclosed.

† It should be the 17th September.

Digitized by Google

doubt whether the property of the individuals referred to can legally be confiscated under the provisions of an Act not in operation at the time when these men were killed in resisting the authorities."

2. In order to overcome the very serious difficulties suggested by this opinion, it appears to me that the Act in question might be declared to have effect from the 12th September, the day succeeding that of the murder of the late Mr. Conolly.

3. Some such course seems necessary, as well for the legalization of what has already been* done as to secure the due punishment of the offenders implicated in the crimes perpetrated by the five men slain at Morar.

* The gibbeting and burning of the corpses of the murderers, and the apprehension, detention, and trial of persons suspected of inciting, aiding, and harboring the fanatics both before and after the murder.

4. The proposed measure does not seem contrary to the strict letter of the law referred to, and if parties can be held legally amenable under the act for acts done in Malabar from the date of the publication of the proclamation in the Official Gazette at Madras, and before such proclamation reaches or can be known in the District, it does not appear to me that any valid objection can be raised to declaring the Act in force from the date of the commencement of the outrages against which it is intended to proceed and provide.

5. If there are objections to the proposal, these no doubt are increased by the proclamation specifying the date from which the Act came into operation ; but if it is found legally impracticable to overcome the objections which may exist to my suggestion, I trust it may be found practicable by a legislative enactment to provide for the occasion.

6. Any retrogression or relaxation now, will, I am convinced, have a most prejudicial effect on the future welfare of the district. The history of past outbreaks shows how every reverse has heightened and increased the difficulties of subsequent operations, and how these fanatical demonstrations, commencing from small beginnings, overcome and put down by the local Police, have now attained a magnitude and importance requiring special legislation and extraordinary powers for their suppression.

7. Unable to understand or appreciate the motives and views which might operate against carrying into effect the provisions of the Act so lately promulgated through the district, the people would ascribe to fear and indecision any deviation from the policy which they have

Digitized by Google

been led to expect would be followed by the Government towards the late fanatics and their adherents. The moral effect of such an opinion —I need not dwell on it—might be most disastrous.

8. Whatever therefore may be the decision come to on the legal bearing of the question now submitted, I trust I may be excused for expressing my strong hope that the policy the Government have declared it to be their intention to pursue may not be departed from, or the extraordinary powers it was resolved to exercise may not be in any way abridged.

TIRUVANGADDY, *October 23rd*, 1855.

From C. COLLETT, Esq.,

Joint Magistrate,

To T. CLARKE, Esq.,

Magistrate of Malabar.

SIR,—With reference to Extract of Proceedings of the Foujdari Udalut under date the 16th instant, I beg leave to suggest that a copy should be forwarded to Government, because, if Act XXIII of 1854 is not applicable for the reason given in one case, it is not applicable in another, and all the offences committed by those whom it is the intention of Government to punish under the Act were committed prior to the 18th September. Besides, it is very desirable that the property (such as it is) of the five fanatic Moplahs should be confiscated.

The objection now raised to the application of the Act is one that should be set at rest at once, as it is of vital importance that the provisions of that Act should be fully applied to all who were in any degree implicated with the late criminals.

Extract from the Proceedings of the Foujdaree Udalut, under date the 16th October 1855.

Read letter dated 1st October, from the Session Judge of Calicut.

With the above letter, the Session Judge submits for the information of the Judges of the Court of Foujdaree Udalut, copy of an Extract from the Proceedings of the Session Court of Calicut, having reference to an application from the Joint Magistrate in charge.

Digitized by Google

2. The application of the Joint Magistrate refers to the manner in which the provisions of Section II of Act XXIII of 1854, should be carried out as regards the confiscation of the property of the five Moplahs killed at Morar while resisting the authorities.

3. It appears to the Court of Foujdaree Udalut that as the Moplahs referred to were killed on the 15th of September and the Proclamation published in the Fort St. George Gazette on the 18th September declared the whole district of Malabar subject to the provisions of Act XXIII of 1854 from the latter date, there is reason to doubt whether the property of the individuals referred to can legally be confiscated under the provisions of an Act *not in operation at the time* when these men were killed in resisting the authorities.

Ordered that Extract from these Proceedings be sent to the Session Judge of Calicut for his information.

JUDICIAL DEPARTMENT.

No. 832.

Extract Minutes of Consultation, dated 10*th November* 1855.

Read the following letter from the Magistrate of Malabar.

(Here enter 26th October 1855, No. 53.)

On the 18th September last, the Governor in Council by a proclamation published in the Fort St. George Gazette, declared the whole District of Malabar subject to the provisions of Act XXIII of 1854 from that date.

2. The five Moplah assassins of the late Mr. Conolly were destroyed in resistance to the troops on the 17th September, or the day preceding that on which the Proclamation issued.

3. Application was made by the Joint Magistrate to the Session Court for the forfeiture under Section II of the Act of the property of the murderers, and on reference having been made by the Sessions Judge to the Court of Foujdaree Udalut, the Foujdaree have intimated that there is reason to doubt whether this property can be legally confiscated under the provisions of an Act *not in operation at the time* when the men were killed in resisting the authorities.

4. The Governor in Council observes that Mr. Conolly was murdered on the 11th September. Four out of the five assassins escap-

Digitized by Google

ed from prison on the 4th August. During that interval, of more than five weeks, it is probable that many persons must have harbored and assisted them with a knowledge of their guilty design, or must have actually instigated and incited them to the crime. Yet if the doubt thrown out by the Foujdaree be well founded, neither the assassins themselves nor those who encouraged and abetted them in it, were obnoxious to the penalties provided in the Act, because the assassination, the instigation to it, and the death in conflict with the troops were anterior to the date of the Proclamation.

5. If this be so, it follows that the Act must practically be nearly useless. The outrages to which it is meant to apply are usually committed suddenly, and before anything has transpired to attract the notice of the district authorities. A murder is perpetrated, the fanatics run their brief career of crime, are followed up and destroyed by the Military or Police before the Government at Madras can be apprized of what is occurring; yet, if the view seemingly taken by the Foujdaree be correct, the suddenness of the outbreak, its speedy course, and the rapid destruction of those immediately concerned in it, render them as regards their property (in which alone they can be reached) and the yet more guilty parties who have incited or abetted them, safe from the provisions of the Act.

6. Or as an alternative it would have been necessary for the Act to have been put in full operation throughout Malabar from the date of its passing, in anticipation of any outrages being committed and for it to be kept in force for the entire term allowed by Section X.

7. The Right Honorable the Governor in Council cannot suppose that such can have been the intention of the Legislature, by whom the Act was passed, or that such construction can fairly be put upon it. He conceives that the penalties prescribed by the Act being published and made generally known throughout the country, are applicable to all offences of the nature specified in the Act *committed after the Act had passed*, and that it is open to Government at any time so to apply them by Proclamation issued under the Act whether those offences have been perpetrated before or after the issue of the Proclamation. No party subjected to those penalties for a crime denounced in the Act and of a date subsequent to its promulgation could complain that he had been punished under an ex post facto law: the law already exists, its provisions have been fully promulgated, and are open to be enforced at any time when the Government may see fit.

Digitized by Google

8. The Government, however, resolve to forward the letter from the Magistrate of Malabar and its enclosures* to the Government Pleader, and to request his views on the question generally and his opinion specially on the following points.

* To be returned.

1. Whether the property of the assassins of the late Mr. Conolly can be confiscated under Section II Act XXIII of 1854, and whether the instigators and abettors of the crime can (besides their punishment under the ordinary law) be subjected to the penalties provided by the Act or dealt with under Sections IV and V; also whether Section XII of the Act can be resorted to in the case.

2. If this cannot be done under the Proclamation as originally published, whether the date from which the Act is to have effect as entered in that Proclamation may not be altered or a revised Proclamation published giving effect to the Act from some previous date. In such case however it will be necessary, fully to include all the parties concerned, that the date should be thrown back to the 4th August, or the date on which the murderers broke Jail.

3. If the answer be in the negative on both the above points, what course should in his judgment be adopted, both to legalize the proceedings that have been already taken, and to bring the parties concerned within the scope of the Act.

(True Extract.)

(Signed) T. PYCROFT,

Chief Secretary.

No. 51.

CALICUT, 23*rd October* 1855.

From T. CLARKE, Esq.,

Magistrate of Malabar,

To J. D. BOURDILLON, Esq.,

Secretary to Government, Judicial Department,

Fort Saint George.

SIR,—I have the honor to submit for the information and orders of Government, a further report from Mr. Collett, giving details of the progress of his inquiries on the subject of the murder of the late Mr. Conolly.

2. In regard to the proposal contained in the 11th and concluding paragraphs of this report, I feel that any opinion expressed by me must

Digitized by Google

carry with it little weight, from my ignorance of the character of the peculiar people to whom the proposal refers, of the nature and depth of their religious prejudices, and of the extent to which the feelings of the Moplahs, as a race, may be implicated in fanatical outbursts in general, but more particularly in the execrable deed which has given occasion for this report.

3. Conceiving, however, that some expression of my sentiments may be looked for, I venture to observe, as far as I am able to judge, that if it is desirable signally to mark with abhorrence and execration the boldly wicked deed which has been committed; to show the people that it is intended with a vigorous hand, to suppress and crush that spirit of fanaticism with which it has been connected, as well as to remove all objects likely to arouse or strengthen such a spirit; the measures proposed by Mr. Collett of destroying the mosque of the Tarumal Tangul, as well as the mosques in which the murderers were aided in taking shelter, will go far to secure such ends.

4. Looking on the tomb of the Tarumal Tangul (a shrine usually resorted to by fanatics preparatory to their undertaking one of their frenzied attacks) as a place at which fanatics consecrate themselves and their lives to the cause of religion, and at which they are supposed to receive a blessing from the spirit of the old Tangul, and his assurance that in laying down their lives they entitle themselves to the glory and rewards of martyrs;—its removal seems urgently called for, and it does not appear to me that its destruction could be less offensively effected than in the manner suggested by Mr. Collett.

5. But the question may arise whether the removal of the shrine is not likely to create a greater evil than the one it is intended to suppress; and whether a spirit of disaffection among the Moplahs may not be evoked, more deep-seated, dangerous, and difficult to be managed, than the usual fanatical outbreaks confined to a few ill-organized and ignorant men.

6. This question, I confess, I am not able satisfactorily to answer, but it appears to me that decisive and vigorous measures are less to be dreaded than mild and conciliatory ones which, with this cowardly race, are likely to be construed into an indication of indecision, weakness, and fear; and the Government will see how difficult it is for me, at this juncture, to obtain information on so delicate a subject without arousing suspicion or revealing the object in view.

7. Mahomedans on the other coast, I am aware, entertain a strong, though not insuperable, aversion to the remains of their dead

S

especially of their peers or holy men being disturbed; but, I believe, that I am correct in saying that instances have occurred in which, when it has been found necessary to invade Mahomedan burial grounds for the purposes of public improvements, the friends of the deceased have been satisfied in being allowed to remove the remains to another place.

8. The Moplahs appear a more ignorant, more vindictive, more excitable and restless people, and more under the sway of their priests than the Mahomedans on the other coast; and some among them may possibly be made to believe that the exhumation of the Tangul's remains is intended as an insult to the whole race; but in allowing the Moplahs to transport (without any interference on the part of Government officials, further than to see that they are removed, and to secure the preservation of the peace) to their holy land of Arabia, the ashes of the Tangul with all due marks of respect, and in such a manner as they may deem least offensive to their prejudices, and with care taken to cause it to be fully known that the Government desire to offer no insult to the dead, it appears to me the people generally can have no just cause of grievance.

9. It may be expected, and Mr. Collett seems to anticipate, that some evil disposed persons might be found ready to take advantage of the occasion to make a disturbance and disseminate bad counsels; but such he conceives may be overawed by the display of the force he recommends should be kept in readiness to act if required.

10. The Moplahs, though vindictive, are said to be a very timid people, and I should anticipate that with ordinary precaution no immediate outbreak need be dreaded. It is the future, and not the present, that, to my mind, needs to be guarded against. A sufficient force must be retained to overawe these people, until the spirit which now actuates them is repressed and controlled.

11. After the remains of the Tangul have been removed, for which a given time should be allowed, the mausoleum might be razed to the ground and the land given for cultivation to some Hindoo; or if this be deemed too extreme a measure, care should be taken to prevent its again being converted into a place of worship.

12. Mr. Collett has had better means, than I can pretend to, of judging of the force required to quell any attempted resistance which might be made by the people; and, I conclude, the additional troops he has recommended should be kept near Calicut, would be found ample to keep the people in check.

Digitized by Google

13. With regard to the other mosques, I concur with Mr. Collett in thinking that both the Tanguls of them, and the buildings, in all cases in which there may be grounds for believing the former guilty of complicity with the fanatics, or that the latter have been used with the consent of the owners as places of shelter, or to kindle a spirit of fanaticism, should be severely dealt with; and that the priests or officials should be deported, and the mosque be confiscated to Government, and either at once razed to the ground or closed as places of worship, and allowed to fall into decay.

No. 281.

CALICUT, *20th October* 1855.

From C. COLLETT, Esq.,

Joint Magistrate of Malabar.

To T. CLARKE, Esq.,

Magistrate of Malabar, Calicut.

SIR,—In continuation of my letter to Government, dated the 29th ultimo, I have now the honor briefly to state some further details as to the progress of my inquiry. It will, though I hope, be borne in mind, that the description of an incomplete inquiry must appear more or less unsatisfactory, and especially so, when, as in the present case, the period of time embraced is so great as a month and a half, and the movements of the offenders have to be traced through no less than five large taluks.

2. The information gathered as to the movements of the offenders from the 4th to the 15th August is very scanty at present. Some remarkable evidence has, though, been secured by the Wolowanad Tahsildar as to their movements between the 16th and 20th of August. Four of the connections of the criminal Tenoo are hereby implicated. It appears certain that the offenders had, by this time, determined to murder Mr. Conolly, and that the religious motive they put forward for this resolve, was the fact of his having compelled the Tiruwangady Tangul to leave Malabar.

Digitized by Google

3. It appears from other evidence procured in Betutnad that the same motive was assigned by them elsewhere, though it is clear from other evidence that they were also greatly influenced by personal feeling on account of the manner in which they had been put under restraint. This was particularly the case with the offenders Chemban Moideen Kutti and Valasherry Emalu. I am in hopes that I may perhaps be able to commit to the Court some of the persons implicated by the above evidence from Wollowanad, but the difficulty that presents itself here, as in other places also, is the fact that women would be the chief witnesses, and they are themselves equally implicated and would have to be made approvers when other evidence would be required by the Courts. There is also the great danger of their breaking down under the ordeal of an examination in two Courts. When examined before me I have several times had to confront two or three of such deponents before I could extract the truth from them.

4. On the 21st and 22nd August the offenders were, I have little doubt, in Ernaad; but I have not yet succeeded in obtaining evidence against those who harboured them there. As stated in my former letter, information as to their movements from the 23rd to 30th or 31st August had been already obtained. Since the 9th instant, when I was relieved of the general charge of the Province, I have been able to devote more of my time to this investigation than it was possible for me to do before. I have since that date visited Shernaad and have obtained, I think, satisfactory evidence, that on the 24th August the offenders were in Tiruwangady, and visited and prayed at the tomb of the Tarumal Tangul, the father of the deported Tangul, and who (it may be remembered) was even more deified by the Moplahs than his son.

5. During the Nava-ratri holidays I have returned to Calicut for the purpose of examining before myself some important witnesses procured by the Calicut Tahsildar; but I hope to be able to return to Shernaad and Betutnad on Monday, and to complete the information already obtained here. Meanwhile, the examination before me of the parties from Betutnad has, I think, tended to strengthen the case against Nalagatha Moideen and his son, alluded to in paragraph 4 of my former report.

6. Soon after the despatch of that letter I obtained information which induced me to arrest and detain in my Cutcherry Mahomed Kutti Muppen, alluded to in paragraph 6 of that letter. Evidence has since been secured that shows that the offenders stayed for part of two nights and the intervening day in the immediate vicinity of his house; that their presence

Digitized by Google

there was perfectly well known, as was also apparently their ultimate design.* The son of the Muppen is the Adighary (head man) of the place, and after his father had been sent for to Calicut, caused two of his servants to take a Moplah woman and her two children (who had been employed in preparing food for the offenders) to be concealed by some of the Muppen's relatives in Travancore. They however refused to do so. The servants returned, but were again sent back to make a second effort. I arrested them together with the eldest child of the woman on their return, and important information has been procured from them. I hope the woman also has by this time been secured. I have communicated with the Resident with the view of procuring further evidence from Travancore. The Muppen has, therefore, been committed to close custody in the Jail, and I have caused his son and others implicated to be arrested.

* Note.—Their weapons were blessed at the tomb of a Tangul here. This place might be razed.

7. In accordance with the directions of Government, the Tahsildar of Betutnad has been called upon for a detailed reply to various queries I addressed to him. The explanation appearing to me quite insufficient, he has been suspended, and another Officer (who is, I trust, an efficient man) has taken charge of his taluk.

8. The information I had received as to the movements of the offenders up to the 7th September is, I think, likely to prove less accurate than I had supposed. There has, though, been secured evidence (which appears to me at present satisfactory) as to the movements of the offenders in the Calicut taluk from the afternoon of the 5th September up to the night of the 9th September. A probably important discovery has been made of two swords and a bayonet concealed in a most suspicious manner by a Moplah who was undoubtedly in communication with the offenders on the 5th September, assisted them, it seems, immediately after their escape from Jail, and, there is much ground for suspicion, saw them also after the murder of Mr. Conolly. What gives this discovery the appearance of importance is, the fact, that Dr. Barker is prepared to depose that Mr. Conolly "received on the right fore-arm two wounds of a triangular shape, exactly such as would be inflicted by a bayonet or similar weapon." The swords and bayonet are not prohibited weapons, and there seems no honest reason for their concealment, especially as the man had a gun which he did not conceal.

See para. 8, letter of September 29.

Digitized by Google

9. The drift of the inquiry is to strengthen the suspicion against the Moplah in whose house I originally suspected the offenders were concealed in Calicut. Despite of, though, our continued efforts, there is much still wanting to bring it home to him. The difficulty felt in the Calicut taluk is to establish the identity of the five Moplahs with those killed in Ernaad. The evidence is such as would not leave a moral doubt of the fact, but might, I fear, be regarded as incomplete by a Court.

Para. 2, letter of September 29.

10. I omitted to mention in my former report that the circumstantial evidence on which Mr. Tod in his letter of the 14th September relies, to prove that the escaped Convicts were the murderers, turns out incorrect, the broken sword found on the 13th September in the Nambary's house, is *not* the sword of one of the Jail Peons as supposed, though the piece found in Mr. Conolly's house does belong to it. This fact, though, is otherwise proved, as mentioned by me, by the two pieces of knife found in a pool of blood on the sofa, fitting to the broken knife taken from the Convicts when killed in Ernaad.

Para. 12, letter of September 29.

11. The course of the present inquiry has suggested to my mind the advisability of submitting for the consideration of Government a proposal which would, I think, tend to prevent in future the facility with which such offenders always find shelter in mosques, would help to destroy in consequence the fictitious air of religious feelings and motives with which fanatics seek to sanctify their crimes; while it would also, on the present occasion, be a means of demonstrating the power of Government and its determination to withstand all fanatical feelings of the caste. I would submit the propriety of razing to the ground some at least of the mosques in which there can be no doubt that these offenders found shelter.

12. I submit the proposal now, because, if Government resolve upon carrying it out, it would be desirable for the sake of a better example that the blow should be struck about the same time that the sentences of those who may be punished for complicity are made known and carried into effect. Some preparation will also be needed. There is one building in particular, the destruction of which appears to me likely to put a check upon fanaticism, and that is the Jyaram, or mausoleum, the tomb of the old Tarumal Tangul. No intended fanatic would omit to visit and pray at it, and so great is the veneration felt that such an act inspires confidence, and is almost as satisfactory to the ignorant minds of the fanatical as if they obtained a sanction from his son to their intended crimes. There would

Digitized by Google

be no necessity for in any way dishonoring the remains of the old Tangul, they might be removed by Mussalmans with every mark of decent respect, and *at once* shipped off to Arabia for the purpose of burial there. At the same time all members of this family still holding land in Malabar might with advantage be compelled to receive a fair price for it, and thus all memory of the family be obliterated. The destruction also of two or three mosques in which it may appear that these five criminals were sheltered with the knowledge of the Moplahs of the neighbourhood would also have a good effect, I think, in preventing such shelter being allowed on a future occasion. Fanatics resort to these buildings from ostentation, and it helps to increase the sacred regard with which too many of their fellow caste-men view them, while engaged in their career of crime.

13. What I have suggested as to the destruction of mosques and the tomb of the Tangul would of course greatly violate the religious feelings of the caste. I would be the last needlessly to offend the feelings of any sect, but the question in such a matter appears to me to be whether there has not been ample provocation from the manner in which these offenders have found shelter in these buildings, and the degree of sanctity which has thus been imparted to the most base and treacherous crimes, and whether the consequent object of preventing such facilities and such feelings in future does not call for such a demonstration of the power of Government. I take the liberty to make this suggestion the more readily, as Government seem to have already acted on this principle, The compulsory departure of the Tangul was an act of this nature, as was also the burning of the bodies of the late criminals; though as to this latter act I have, I fear, the misfortune to hold a different opinion with regard to its probable beneficial effect as an example.

14. With regard to the degree of preparation needed, I am of opinion (and the few with whom I have consulted on this topic seem to agree with me) that with moderate precaution such an order might be carried out without any disturbance of the peace of the country. The military force at present in this Province is, I believe, considered by military men to be slight, and the other day no more than 50 Europeans could be spared from Cannanore, the Company at Malapuram being also much below the original number. It might be necessary therefore to send temporarily a special force for this duty. I would suggest that the wing of a European Regiment, to be supported by a small train of Artillery, (light enough to be moved readily) and a small number of Mysore Horse, for the purpose of rapid communication and action, would prove a sufficient

Digitized by Google

force for the purpose. Their presence on the occasion, coupled with the proofs of the punishments inflicted on all who in any way aid and abet fanaticism would, I think, sufficiently overawe any disposition to oppose what would otherwise, no doubt, afford a strong pretext for the display of fanaticism. Want of combination and the hopelessness of opposition would at the same time restrain the ill-disposed from action; and the fact of Government having carried out such a measure would strike terror into and overawe them for the future.

No. 862.

JUDICIAL DEPARTMENT.

Extract from the Minutes of Consultation, under date the 27th November 1855.

Read the following letter from the Magistrate of Malabar.

(Here enter 23rd October 1855, No. 51.)

1. The Magistrate of Malabar forwards a letter from the Joint Magistrate, giving some later details of his inquiry in tracing the proceedings of the assassins of Mr. Conolly, and of the parties who harbored, aided, or abetted them.

2. The inquiry into the movements of the murderers from the 4th August, the date of their escape from Jail, to the 15th, and from that again to the 23rd was, in Mr. Collett's previous report of 29th September, said to be conducted by the Tahsildars of Ernaad and Wolowanad. But little has yet been gathered as to their proceedings from the 4th to the 15th; as to their movements between the 16th and 20th some remarkable evidence has been secured by the Wolowanad Tahsildar. It appeared certain that the offenders had by that time determined to murder Mr. Conolly, and that the religious motive that they put forward for this resolve was his having compelled the Tiruwangady Tangul to leave Malabar. It is clear, however, from other evidence, that they were also (and two of them more particularly) greatly influenced by personal feeling on account of the manner in which they had been put under restraint.

3. On the 21st and 22nd August, there is little doubt that the murderers were in Ernaad; but no evidence has yet been obtained as to the parties who harbored them there.

Digitized by Google

4. Satisfactory evidence, it is believed, has been obtained, that on the 24th August the offenders were at Tiruwangady, and visited and prayed at the tomb of the Turamal Tangul, the father of the deported Tangul, and even more deified by the Moplahs than his son.

5. Evidence has been obtained which tends still further to criminate Nalagatha Moideen, alluded to in paragraph 4, and Mahomed Kutti Muppen, referred to in paragraph 6 of the previous report.

6. The information before received of the movements of the assassins, from the 1st to the 7th September, is likely to prove less accurate than had been supposed; though some apparently satisfactory evidence has been secured as to their movements in the Calicut taluk from the afternoon of the 5th to the night of 9th September.

7. The drift of the inquiry is further to strengthen the suspicion against the Moplah in whose house the offenders were originally suspected to have been concealed at Calicut.

8. The course of his present inquiry has, the Joint Magistrate states, suggested to his mind a measure which would, he thinks, "tend to prevent in future the facility with which such offenders always find shelter in mosques, would help to destroy in consequence the fictitious air of religious feelings and motives with which fanatics seek to sanctify their crimes; while it would also, on the present occasion, be a means of demonstrating the power of Government and its determination to withstand all fanatical feelings of the caste. He submits the propriety of razing to the ground some at least of the mosques in which there can be no doubt that these offenders found shelter." There is one building in particular, he adds, the destruction of which appears to him "likely to put a check upon fanaticism, and that is the Jyaram or mausoleum, the tomb of the old Turamal Tangul. No intended fanatic would omit to visit and pray at it; and so great is the veneration felt that such an act inspires confidence, and is almost as satisfactory to the ignorant minds of the fanatical, as if they obtained a sanction from his son to their intended crimes. There would be no necessity, he added, for in any way dishonoring the remains of the old Tangul; they might be removed by Mussalmans with every mark of decent respect, and *at once* shipped off to Arabia for the purpose of burial there."

Paragraph 11.

Paragraph 12.

9. His reasons for suggesting these measures are given in paragraphs 12 and 13 of his report, and are commented on by Mr. Clarke in

Digitized by Google

sending it up to Government. Mr. Collett admits that they would greatly violate the religious feelings of the caste; but, he thinks, that with moderate precaution they could be carried out without any disturbance of the peace of the country. It might, however, be necessary to send temporarily a special military force into the Province for the duty.

10. The Right Honorable the Governor in Council is not at present in possession of such full information in regard to the instigators and abettors of this great crime, their proceedings and motives, as will enable him to give at once distinct instructions as to the measures which shall be adopted. The authorities in Malabar will continue their efforts for tracing all parties implicated in the murder; and when the result of the whole inquiry is before the Government, it will remain for them to take such steps as, on a review of all the circumstances of the case, may seem necessary for the punishment of the guilty, and for the prevention of such atrocious deeds for the future.

(True Extract.)

(Signed) T. PYCROFT,

Chief Secretary.

MADRAS, 16*th November* 1855.

From J. B. NORTON, Esq.,

Government Pleader.

To T. PYCROFT, Esq.,

Chief Secretary to Government,

Fort Saint George.

SIR,—I have the honor to acknowledge the receipt of Extract of Minutes of Consultation, under date the 10th November 1855, and its enclosures herewith returned as requested.

2. I have given the matter submitted to me my best consideration; and I am of opinion that the doubt expressed by the Court of Foujdaree Adawlut is well founded.

3. It appears to me that the Act is altogether inoperative, in abeyance, and a mere dead letter, until it is called into operation by the proclamation; and I cannot subscribe to the argument brought forward in paragraph 7 of the Minutes of Consultation.

4. What was the intention of the Legislature I cannot undertake to say further than as I can gather it from the words used; and they

Digitized by Google

appear to me very clearly to render the District subject to the provisions of the Act from the date of the proclamation, and not from that of its receiving the sanction of the Legislature.

5. Possibly its provisions might never be called into force at all; it is the proclamation which alone gives the Act vitality ; and to hold otherwise would, in my opinion, involve the unconstitutional consequence of giving a retroactive effect to a Legislative Act. "It is in the general true," say the books (I quote from Dwarris, page 540), "that no statute is to have a retrospective effect beyond the time of its commencement," for the rule and law of Parliament is, that "*nova constitutio futuris formam debet imponere, non præteritis;*" and not only is it the doctrine of the English law that a statute is not to have a retrospective effect, but it is also founded on the principles of general jurisprudence. A retroactive statute would partake in its character of the mischiefs of an *ex post facto* law as to all cases of crimes and penalties: and in matters relating to contracts or property would violate every sound principle.

6. I am of opinion that, with reference to this Act, the "time of its commencement" must, on every sound principle, date only from the proclamation, declaring it applicable to Malabar: the proclamation of the 18th September, it is to be observed, expressly applies the Act "from this date."

7. The only illustration which occurs to me at present (though it is not precisely analogous) of a statute which lies dormant until it is called into operation by proclamation, is the Riot Act of I George I, Section II, Chapter V.

8. It is very true that the penalty of disobedience in that case by the express words of the statute does not attach until one hour *after* the proclamation is read; whereas the Act under consideration is silent as to the time of its commencement; but still we may fancy a Riot Act without any such clause, merely declaring what should constitute a riot, the penalties for a riot, and that upon proclamation the Act should be applicable to certain persons or certain localities. It would surely sound a startling doctrine to the ears not only of a Legislator or Lawyer, but any educated gentleman, if he were told that such an Act had, upon proclamation, been held applicable to persons guilty of a riot *before* the proclamation had been made!

9. If it were allowable to speculate on what the Legislature intended, it might be fairly argued that it had not legislated for the punishment of any past isolated act of violence, but for the prevention of a

Digitized by Google

spread of insurrectionary acts or feelings throughout the District. If the Government were made aware of the existence of such a feeling in time to make the proclamation before any act of violence were committed, so much the better: if, unfortunately, the first notice which reached the Government was an act of violence itself, however much that was to be regretted, the object of the Act, as it appears to me, would be rather prospective to check further disaffection, than to avenge the past; and for these reasons, it appears to me, that the Act cannot be justly designated as "practically nearly useless;" nor do I think that it should have been applied by proclamation to Malabar "from the date of its passing in anticipation of any outrages being committed," there being at that time no reason to anticipate any such outbreak. But the outrages having now occurred, and the proclamation having been made, it rests with the Government to determine the expediency of allowing it to remain in force for the unexpired portion of its duration. In my opinion there is ample legal ground to justify such a course.

10. It follows, from what I have above written, that I cannot recommend that the date of the present proclamation be altered, or that a revised proclamation be issued. Both of these courses would, in my opinion, be illegal.

11. I am of course of opinion that the property of the assassins cannot be confiscated under Section II, nor can the penalties provided by Sections IV or V be enforced, nor is Section VII applicable, nor, in my opinion, can any steps be taken "to bring the parties concerned under the scope of the Act:" for I cannot think that the Legislature, which alone has the power, would pass an Act having a retrospective effect upon particular individuals; but I am of opinion that the Legislature would willingly pass a short Act legalizing any proceedings which may have been erroneously taken by the authorities, should it be deemed necessary by the Government to apply for the same. It appears to me, however, that it would be time to make such application in case of any threatened proceedings on the part of the accused against the Officers of the Government. Any other course would, it appears to me, be calculated to produce the effects contemplated by the Magistrate in paragraphs 6 and 7 of his letter of the 26th October last.

12. The Mahomedan law has no provision like the English, whereby the property of felons passes to the Crown, and I think, therefore, that the Magistrate should simply abandon all further proceedings, before the Sessions Court, taken with that object.

Digitized by Google

13. But as it is every day's practice, under the Mahomedan law, to punish those who harbour persons guilty of crimes, it might be perhaps more expedient to direct the Magistrates to commit persons against whom there are reasonable grounds of suspicion, to take their trial before the Courts, rather than that the Government should seem precipitately to retreat from all further proceedings. The result of the trials is comparatively unimportant: if the accused are acquitted for want of full legal proof, not only is justice satisfied, but it is far better that trials should fail, than that the notion should get abroad that there exists no power to bring the parties before the tribunals of justice: and in event of any future outbreak, the Act being in operation, the stringent powers it gives may be had recourse to.

No. 869.

JUDICIAL DEPARTMENT.

Extract from the Minutes of Consultation, under date the 28th November 1855.

Read the following letter from the Government Pleader.

(Here enter 16th November 1855.)

1. In the above letter, paragraph 11, the Government Pleader has given it as his opinion that the penalties provided by Sections IV or V, Act XXIII, 1854, cannot be enforced against parties suspected of complicity with the assassins of the late Magistrate of Malabar, Mr. Conolly.

2. By those sections, the Governor in Council has, in respect to the confinement of any person charged with or suspected of an intention to commit any offence punishable under the Act, the powers vested in him by Regulation II, 1819, regarding the confinement of persons charged with or suspected of State offences. The provisions of that Regulation are to be applicable to all cases in which the Governor in Council may proceed under the authority of Section IV of the Act; and the Magistrate of the District may cause any Moplah or other person against whom there are, in his judgment, grounds of proceeding under Section IV to be apprehended and detained in safe custody until the orders of the Government be received.

3. Mr. Norton considers that persons who were privy to, connived at, or in any way abetted, the murder of the late Mr. Conolly, cannot be

Digitized by Google

proceeded with *under these two Sections* of the Act, because the privity, complicity, or abetment occurred prior to the date (18th September) on which the Act was put in force in Malabar by proclamation. The Governor in Council would wish for his opinion whether, although such parties may not be obnoxious to the operation of Regulation II, 1819, *in virtue of any effect given it by Act XXIII*, 1854, *Sections IV* and *V*, they may not yet be dealt with under the powers conferred by the Regulation II, 1819, generally, independently of any particular application given it by the Act; and whether they might not have been even though the Act had never been passed. The Government Pleader will state whether, in his view, waiving all reference to the special and local Act, such persons as are above described cannot be treated as State prisoners under the provisions of Regulation II, 1819, and for "reasons of State policy" be "placed under personal restraint" in their own or any other Zillah of the Madras Presidency, "without any immediate view to ulterior proceedings of a judicial nature."

No. 62.

CALICUT, 21*st November* 1855.

From T. CLARKE, Esq.,

Magistrate of Malabar.

To T. PYCROFT, Esq.,

Chief Secretary to Government,

Judicial Department, Fort St. George.

SIR,—I have the honor to forward to you, to be laid before Government, the accompanying copy of a letter dated 19th instant, from Mr. Collett, in which, with reference to the extract from the *Friend of India* noted in the margin, it is suggested that the Government of Bombay be moved to apply to Captain Haines (if still in India) to ascertain whether he conveyed to the late Mr. Conolly any warning of the nature indicated in the extract, and if so, on what grounds he felt it his duty to do so.

"According to the Bombay *Times*, the real instigator of the outrage on Mr. Conolly, is the Moplah High Priest. This individual had been deported by the ill-fated Officer, and three years since Captain Haines, then Political Agent at Aden, warned him that his death had been resolved on. He refused to take any precautions whatever. This account supplies the motive which was wanting in previous narratives."

Digitized by Google

2. From the accompanying papers received from the Magistrate of Mangalore, it will be seen that Syed Abdool Rayman Hydrosse, a man of some pretensions to sanctity, and claiming to be a relative of Syed Fuzul, the expatriated Tangul of Tiruwangady, states, he visited in August last, for ten days, the tomb of the late Syed Alibi Tangul, the father of Syed Fuzul, and that he maintains a correspondence with his expatriated relative.

Dated 9th November 1855.

3. There is a strong feeling abroad here that Mr. Conolly's murder is attributable to his having recommended the expatriation of the Tiruwangady Tangul, and the murderers avowed that it was to avenge this act that they were impelled to seek his life.

4. If the account given of himself by the priest examined at Mangalore has any truth in it, there may be grounds for suspecting Syed Fuzul of having instigated and compassed the death of Mr. Conolly, and it seems therefore desirable to me that the information sought for by Mr. Collett should, if possible, be obtained. If the Government are pleased to approve of the suggestion, I would respectfully urge that all procurable evidence of the facts elicited may be recorded, and any inquiry the evidence may suggest be at once made and followed up.

No. 326.

Calicut, 19*th November* 1855.

From C. COLLETT, Esq.,

Joint Magistrate of Malabar.

To the MAGISTRATE OF MALABAR.

Sir,—A paragraph has been pointed out to me in the *Friend of India* Newspaper of October 11th, to the effect that Captain Haines, when Political Agent at Aden, warned the late Mr. Conolly that his death had been resolved upon, in consequence of his having caused the Tiruwangady Tangul to be deported from Malabar to Arabia. I cannot ascertain that any one here is aware of this alleged warning having been received, and as I am not aware where Captain Haines now is, I have the honor to suggest that the Government of Bombay should be requested to apply to Captain Haines (if he is still in India) with the view of ascertaining

Digitized by Google

whether he conveyed any such warning to Mr. Conolly, and if so, what were his grounds for so doing. The point may prove of some importance as the murderers of Mr. Conolly undoubtedly assigned the deportation of the Tangul as one reason for their crime, and it now appears from papers received to-day from Canara, that a relative of this Tangul had lately been in Malabar, and may possibly have communicated with the murderers.

No. 2.

MANGALORE, *9th November* 1855.

From W. FISHER, Esq.,

Acting Magistrate of Canara.

To THOMAS CLARKE, Esq.,

Magistrate of Malabar.

SIR,—I have the honor to forward for your perusal a letter,* to my address, from the Additional Joint-Magistrate of Canara, accompanied by two translations of depositions, one of which was given by a person calling himself Syed Abdool Rayman Hydrosse, who it appears corresponds with, and is nearly related to, Syed Fazul, of Malabar notoriety.

* To be returned.

The manner in which this man has travelled, avoiding large towns and frequented roads; his operations among the different sects of Mahomedans; and the unsatisfactory, and evidently false account he gives of himself, induce me to send you these papers, as it is not improbable perhaps that he may have been concerned in the late events in Malabar, and may even be a party for whom search is being made.

Syed Abdool Rayman Hydrosse will be detained, at any rate, until I hear from you, and I request that you will favor me with any information regarding this individual which you may possess, at your earliest convenience.

Digitized by Google

No. 209.

JOINT MAGISTRATE'S CUTCHERRY,
SIRCY, *3rd November* 1855.

From J. D. ROBINSON, Esq.,
Additional Joint Magistrate of Canara, in charge,

To W. FISHER, Esq.,
Acting Magistrate of Canara.

SIR,—I have the honor to enclose for your perusal and opinion, a deposition taken from one Syed Abdool Rayman Hydrosse, arrested during his passage through this division, on suspicion of being in correspondence with his banished relative Syed Fuzul,* and promoting through his own powerful family influence sedition and ill-will to the ruling powers among the Moplahs and other Mahomedan caste-people along this coast.

* *Vide* Mr. Maltby's letter, 17th September 1853.

2. You will observe that deponent is a near relative (their grandfathers were brothers) of the notorious Syed Fuzul, commonly known in Malabar under the name of the Tangul, who having betaken himself to Arabia on the occasion of one of the Moplah disturbances, was interdicted by Government from ever returning to this coast. In this sentence of banishment, are, in fact, included other members of the family, not (so far as I am aware) named in any regular list of proscription, but declared by the late Magistrate, Mr. Conolly, dangerous persons, and as such forbidden to land on the Malabar coast. For deponent's tale, I beg to refer you to the enclosed depositions.*

* Five, with translations of two, viz.:
1. From Syed Abdool Rayman Hydrosse.
2. Abdoolah.
3. Hajee Abdool Rayman.
4. Navoyet Sadah Hussen.
5. Sultanee, female.

3. He describes himself as a Priest and wandering preacher, as was his father before him, states he made a pilgrimage to Tiroovengady, by Mr. Conolly's permission, and passed rapidly through Malabar, holding communication with no one, and finally quitted the district about the 15th August 1855.

4. He gives a very lame and contradictory explanation in regard to a letter,* found on his person, which letter in itself contains nothing to compromise him, and only becomes of importance as a test of the general trustworthiness of his story, which it certainly does not tend to establish. The letter which, in the beginning of the inquiry he allows he received from the Tangul, is, I make no doubt, quite a

* Herewith sent with translation.

Digitized by Google

different one, and cannot now be found among his papers, which have been carefully looked through. The letter produced has, from its tenor and style, evidently been written by some inferior proselyte or disciple, resident in India. I cannot believe from what I myself know of Mr. Conolly's policy, that permission to visit Tiroovengady could have been granted to deponent in the manner and under the circumstances set forth, nor is it likely that a person of such high repute for sanctity, and of such powerful family influence as he must possess, could have passed through the country in the quiet, unostentatious way he would have it believed he did.

5. He has no passport, nor any papers which throw light on the purpose of his present mission and appearance in this part of the country; is attended by nine followers and disciples; has among these and the Navoyets at Bhutcul and elsewhere a great name as a magician and conjurer, and might, probably, passing for such, have escaped the particular observation of the Police, but for the garrulity of some of his followers, who had missed their way, and his own avoidance of the principal roads and towns in his journey through this part of the country.

6. He is now under surveillance, and shall be detained until I hear from you.

7. Taken in connection with recent occurrences in Malabar, the appearance of such a person at this particular time bears a suspicious aspect.

8. He may be what he represents himself to be, a quiet, inoffensive priest and missionary; but his family are deservedly suspected, and as I am in ignorance of the result of Mr. Collett's inquiry into the recent outrage at Calicut, I have thought it prudent to take no decided step in the case until I can be favored with your advice.

Deposition taken before the Sondah Tahsildar on the 31st October 1855, at Sircy.

1.—What is your name and that of your father?	My name is Syed Abdool Rhyman Hydrose, and that of my father is Syed Mahomed Hydrose.
2.—Which is your native country?	A town called Togiff in Arabia.

Digitized by Google

3.—What is your occupation?

Advising Mahomedans to observe the rules of Mahomedanism, informing those acting against it to adhere to the precepts of this religion, and receiving as pupils those who wish to become such. This service is called *mahshahid* or priesthood—this is my duty. I am a scientific person; this occupation of ours is in continuation from the beginning throughout my family from generation to generation.

4.—How long is it since you left Togiff; what roads have you travelled by, and what cities have you visited?

Four years ago I quitted Togiff. In the beginning I came by a ship to Tellicherry, and went direct to Quilon: stayed there two days; thence I sailed to Ceylon: after spending there a month, I proceeded to a place called *Kundy*.* Here I passed ten days; thence I moved to Noo rolee† staying there a day; I went to the Adam's Peak, was there for two days; then I proceeded to Hyderabad *viâ* Masulipatam. I remained for two months in Hyderabad; thence I reached to Madras, passing by Kurnool and Cuddapah. There I stayed for a month; thence I travelled to Palghaut, cutting through Nagore, Negapatam, Tanjore, Trichinopoly, Madura, Tinnevelly, and Coimbatore, where I stayed for ten days; after which I repaired to Cannanore, there I was two days; thence I ran into Calicut, there I spent a couple of days; thence I meditated to go to *Tiruvengode*. Learning that I cannot do so with-

* Candy.

† Newera Ellia.

Digitized by Google

out obtaining permission, I applied to the late Collector of Malabar, and having obtained his orders, I proceeded to Tiruvengode, where there is a tomb of our ancient Syed Alibi, and where after spending ten days, came to Sircy passing through Calicut, Tellicherry, Mysore, Bangalore, Mercara, Mangalore, Bhutcul, Moordeswar, Munker, and Gairsoppah, and as I passed Sircy, I am brought back again to this place by Sircar orders.

5.—What was your object in travelling as you have done?

I am a priest by profession, and therefore I visit different countries and divulge the principles of my religion to those who wish to know them; this I do as had been done by my ancestors; and by this means I maintain myself.

6.—What do you expound of your religion?

I warn people against acts forbidden by principles of religion, such as drinking, worshipping punjas (Mohorum feast), making Shady marriage, and using bad words, and instruct them that they can make Nicka marriage, and that they should adhere to the precepts of religion; those whose wish it is, follow them, and others disobey them; they are not forced, if it is not their wish.

7.—How long were you in Malabar, and when was it?

At Calicut and Tiruvengode, &c., I was altogether for a month in Malabar, and it was before the 15th of Joolhuz month, (August.)

8.—Is this the first time you visited Malabar, and

During the life-time of Syed Alibi of Tiruvengode, I had been

Digitized by Google

were you ever there before this?	there thrice; but after his death, I went there now for the first time.
9.—How many years now since the said Syed Alibi died?	About ten years ago.
10.—There was a person called Coya Tangul Syed Fuzul in Malabar—Have you seen him, are you acquainted with him, and is he a relation of the said Syed Alibi?	I know Coya Tangul Syed Fuzul, I am acquainted with him, he is a son of Syed Alibi.
11.—Has Syed Fuzul any other names?	He is called Syed Hussen, Syed Ally, and "Pu Coya." In his family he is called Syed Hussen, and Pu Coya by Malabar people.
12.—Are Syed Fuzul and his father Syed Alibi any relations of yours?	As myself and Syed Fuzul are sons of the same great grandfather, we are related to each other.
13.—You say you have been thrice to Syed Alibi when he was alive, were you long with him, and did you study anything under him?	I have not been long with him, was only for twenty days and a month, nor did I read anything under him.
14.—Besides the relationship described above, has any relationship been formed subsequently?	No.
15.—Have you seen Syed Fuzul subsequently, and do you correspond with him?	There is a town called Huddedah under Anum, a place in Arabia, where the said Syed Fuzul was living about four years ago, I saw him there on my way from Mecca to India, have not seen him since. About five months ago, I received a letter from him requesting me to write to him how his rela-

Digitized by Google

tions are doing for their expenses, &c. As I have found them short of pecuniary assistance, I informed him of the same by a letter. This is the only letter I got from him, and I hear he writes to his brother-in-law at Calicut if he wishes to know anything.

16.—Is the letter you received from Syed Fuzul with you ?

There is a person called Shaik Oosman at Bhutcul, the brother of Mowthy Abhoobucker there, to whom I gave this letter to read. I am not certain whether the letter is with him or among my papers. I shall see and state how it is.

17.—There were with you one Abdoola hajee and Abdool Rahiman—Where have they joined you ?

Abdoola belongs to Hindoostan, was a Hindoo originally. I heard he was employed in a Battalion (Regiment) about three years ago. I was in the Nabob's garden, where he joined me, he having expressed a desire to become a Mussalman, was made such in Nagoor. Hajee Abdool Rahiman belongs to Cannanore ; on my arrival at Bhutcul he visited me and then came to Moordasan ; he gave his daughter in marriage to Abdoolah, and desired to accompany my followers, to which I agreed. I told him to go to Coomtah in front and that I shall come there ; then Abdoolah and Abdool Rayman went away to Coomtah, I was not able to go thither, and came towards this by another road ; they now joined me here.

Digitized by Google

18.—Where were you here on passing this ?	I had put up near the Toll-house in this place.
19.—It is reported that you can convert one thing into another, how is it ?	It is nothing but a groundless report.
20.—Who are all with you ?	When I reached Bhutcul, I had Abdoolah ; when reaching Madras, I had three Hyderabad men, viz., Ahamod, Oomur, Ally ; all these four are with me permanently. Hajee Abdool Raman has set out from Madras to go with me ; besides these, I have with me now four Navoyets from Bhutcul.
21.—Why have these Navoyets followed you ?	They have become my pupils, and are with me to prosecute their studies.
22.—Have you any Enams in the Company's territory and in Hyderabad ?	I have four enam villages in Hyderabad ; I have a " Tukkia" at Nagoor, but I receive nothing for it from Government.
23.—You have heard the deposition read to you, is it recorded as you stated ?	Yes, it is.
24.—Have you any passport from this Government ?	No, I have never asked for it.
25.—You have heard the deposition read to you again, state if it is correct ?	Yes it is.

* Mark of SYED ABDOOL RAHIMAN HYDROSSE.

(Signed) MUNGASIAB,
Tahsildar.

Deposition taken before J. D. Robinson, Esq., Additional Joint Magistrate of Canara, on the 2nd November 1855.

1.—Is the deposition given by you before the Tahsildar recorded according to your dictation, and does it bear your signature ?	The deposition given by me before the Tahsildar is correctly recorded, and the signature in it is mine.

Digitized by Google

The letter in Arabic and Hindoostanee languages, sent to the Tahsildar with Cutwal's report, is shown to the deponent.

2.—Is the letter now shown to you the one which Syed Fuzul wrote to you, and is it in Syed Fuzul's own hand-writing?

I have seen this letter. It is the same which I produced before the Cutwal, and which I received from Syed Fuzul. The writing of the same is of Syed Fuzul's.

3.—How many days is it now since Syed Fuzul wrote you this letter?

The place showing date of the letter is torn; but it is about three or four months since he wrote it to me. I have mentioned above that the letter was in Syed Fuzul's hand-writing; it is not his own, but written by another person at his dictation and in his name. The name "Syed Hussein Hydrosse" mentioned in it, and given by his father, implies Syed Fuzul.

4.—How did this letter reach you?

This letter came from Suez by tapal directed to Hyderabad, to the care of Oomur Bin Owad, the Jemadar of Arabians, who forwarded it to me by two Arabs bound to Ceylon. They delivered it to me at Manjacope.*

* Cuddalore.

5.—How did those Arabs come to know that you were in Manjacope?

From my pilgrimage, I wrote to Oomur Bin Owad to forward all my letters to places I mention, and this letter reached me in consequence of my having written to him from Madras, that I was wending my course towards Manjacope.

6.—In the letter produced by you are two places named, Allatoor and Tuttimungul—in what direction do they lie?

Allatoor is at a distance of five ghurees (two hours) from Pondicherry; the stations by which I reached that place are the following: I went from Madras through

Digitized by Google

Chingleput, Poondy, Navachuttur, or Chittychuttur, Bilpoor, Ponoty to Allatoor, and this place is called Tirvady by Mussalmen. I heard that Tuttimungul is within the territory of the Cochin Rajah, but I have not seen it. The distance from that place to Palghautcherry through Poodyungar will be about five leagues.

7.—In the letter it is stated that the writer is very sorry for not having been able to see you, from which it appears that it has not been written by a chief—How is this?

In this letter the contents in Arabic ending with the name of Syed Hussain Hydrosse are from Syed Fuzul himself, and the following contents in Hindoostanee are from one Mustan, a pupil under the said Fuzul.

8.—The contents in Hindoostanee naming Allatoor and Tuttimungul, and stating that "if you permit me to come thither, I will do so. It will be better if you can kindly come here yourself, and it is desirable that we should go together to Tuttimungul," are, you say above, written by one Mustan living with Syed Fuzul; from this it cannot be inferred that the letter is from a very great distance, and more so because it is impossible for him to know of your quick and uncertain movements—How is this?

I stated what he wrote to me, I do not know how he came to know that I was at Allatoor.

Digitized by Google

9.—Your statement before me differs very widely from the contents of the letter and your answer to the 15th question given before the Tahsildar, wherein you state that Syed Fuzul in his letter requests you to write to him how his relatives manage for their expenses; either from the letter now produced as being the one you received from the said Fuzul, or from your present assertions regarding its contents, nothing can be gathered to that effect—How is it?

It is true that Syed Fuzul wrote to me to write to him regarding the expenses of his people; but it was another bit of paper enclosed in the letter in question, and which I have lost; this letter which I had by me was handed over to the Cutwal.

10.—You stated before the Tahsildar, that when going to Tirvengode tosee the Fuzul's "Macon," you got the Collector's permission. Is the order you speak of with you now, and who were present at the time you obtained the permission?

There is a Teakwood garden about three miles from Calicut where I met the Collector riding alone by that road, I asked his permission to go to Tirvengode to see my "Gooroo's" tomb. He said "don't go;" but on representing that I had some ceremony to perform, and that I should remain there for ten days, he enjoined that if Iremained there more than ten days, I shall be seized and brought back; there was no one present at that time.

11.—State the particulars of road by which you came to, and passed from, Calicut?

I went to Calicut through Palghaut, Lacdy, Turtully, and Tannoor; on my arrival at this last place and being about to go to Tirvengode a Salt Ameen at that place declared that I cannot do so without permission, when I left my peo-

Digitized by Google

ple, &c., at Tannoor and went alone to Calicut to obtain permission. Having done this I returned to Tannoor, whence I went to Tirvengode with my people, who were four in number; when leaving Tannoor for Tirvengode, I did not see the Salt Ameen, and no one obstructed me. I proceeded to Tirvengode and remained there for ten days; from whence I went to Beypoor; on my way from this place near the fifth mile stone, where there is a detachment of Convicts employed on the road, and also a Musjeed called Moideen Pully, in which I had put up; thence I repaired to Quilon, here I stayed a day in a mussafurkhana and then I reached Mahé, remained there a day; went to Tellicherry, was there for a night in a mussafurkhana and proceeded to Mysore. I do not recollect the names of places between Tellicherry and Hoonsoor; my movements from Calicut to Hoonsoor were rather speedy. After I left Tirvengode, no Malabar people came to me, nor have I been to any on my way from Calicut to Mysore. I have no pupils of mine in Malabar, and consequently I am not acquainted with any; therefore, I was not there long. From Hoonsoor I went to Mysore, there I remained for ten days; thence I returned to Hoonsoor and came through Pareyaputnam, Coorg, Puttoor, Buntoowal to Mangalore. I did not remain at this latter place, but crossed the

Digitized by Google

river near it, and put up for a night in a Musjeed and thence I came to Bhutcul.

12.—Where do you intend to go now?	I intend going through Hoobly and Dharwar to Bejapoor; and after seeing the tombs of the ancients at that place, I meditate going to like places until such time as I may hear from my father to return to my country.
13.—Is the deposition recorded according to your dictation?	Yes, it is.

* Mark of SYED ABDOOL RAHIMAN HYDROSSE.

Taken before me at Sircy this 2nd day of November 1855, in continuation of the deposition made before the Head of Police of Sondah, on the 31st day of October 1855.

(Signed) J. D. ROBINSON,
Additional Joint Magistrate.

Deposition given by Hajee Abdool Rahimon, son of Esoof, Moplah of Cannanore in Malabar District, before the Sondah Tahsildar, on 31st October 1855.

Questions.	Answers.
1. In what language do you wish your deposition to be recorded?	In Hindoostanee.
2. About three or four years ago when there was an outbreak of Moplahs in Malabar, a chief was apprehended—do you know his name and nativity?	In Mulliyalli language he was called "Pu Coya;" in Tamil, "Tangul;" the name given to him by his father is "Syed Abdool Rahimon Hydrosse;" he is resident of Cusba Tirvengode talook in Malabar.
3. Do you know his father's name?	He is called Syed Alibi.

Digitized by Google

4. Do you know where the said apprehended Abdool Rahimon Hydrosse is now?

I do not know where he is now. On being seized he proceeded to Juddah according to the orders of this Government; I hear he is there now.

5. Is his country Tirvengode or other?

The native country of the said Abdool Rahimon Hydrosse's father is Arabia; the latter came to Tirvengode, and there he married. Syed Abdool Rahimon Hydrosse was born in the same place.

6. Has the priest who was with you ever been to Malabar?

I did not see him coming to Malabar, but I was told at Bhutcul, by a person called Abdoola, residing near the Sooltan Musjeed, that the said "Pu Coya" *alias* Syed Abdool Rahimon Hydrosse had this priest with him; that the latter (the priest) was walking about with the palanqueen of the former (Pu Coya) as his scholar, and that he had seen this.

7. What is the said priest native of, and what is his name?

He said his name was Abdool Rahimon Hydrosse, and native of a place called Togiff.

8. Do you know where has the said priest Abdool Rahimon Hydrosse come from?

I heard at Bhutcul that he has come from Hyderabad, but I do not know whence came he.

9. Does he know the Malabar language?

I did not hear him speaking that language, nor do I know whether he understands it or not.

10. What languages does he know?

Hindoostanee and Arabian.

11. Do you know what are his wonderful acts?

I have not observed them myself, but heard from many at Bhut-

Digitized by Google

cul that he does many wonderful works—such as blowing quarter Anna piece into gold; converting grains of stone into sugar-candy; producing salt-water by beating against a wall, and burning light with water.

12. What do people think of him?	They consider him a meritorious priest; many become his pupils. Some relate to him their grievances; when he asks them whether they make "Numaz" (prayers), and if they answer in affirmative, he gives them "Taviz" (an article of incantation), and if rich people come to him, he tells them to give a certain portion of their money to beggars.
13. Do people give him any thing?	People offer him, but he refuses. I saw him at Bhutcul, and there I was with him for eight days, during which time I have not seen him taking anything from any one.
14. How does he manage for his expenses.	He pays for it with his own hand; but I do not know how he manages to get it.
15. Did you ever see the said priest before this?	About seven years ago I had been to Madras, when having heard a priest arrived at Jambajaree Musjeed in Tirvelkenny,* I went to see him, when I found him to be this same priest.
16. Did you then see or hear any of the wonderful works of this man as described above?	There did not then exist any rumour of this kind, nor did I see any myself.
17. There is one Abdoola with you—Who and what countryman is he?	He was with the said priest when the latter came to Bhutcul.

* Triplicane.

Digitized by Google

I do not know what countryman he is; he was then telling that he followed this priest from about Hyderabad, now he asserts he is from Benares.

18. How did you join him?

I set out to pay a visit to Mecca; on reaching Mangalore, I was prevented from going on Pattamar by rain and storm, stopped there for a month; then thinking that Bhutcul was a good place I came thither, where I stayed for three months, when the said priest, Abdoolah, and three others arrived there. I went to see him—having seen him, I mentioned him my former acquaintance with him at Madras; he admitted the same, and asked me why I came there; on being informed of my desire to proceed to Mecca, and of my remaining there for want of money for my expenses, he replied, "never mind, I am also going there, you can follow me." Upon this, according to his instructions I gave my daughter in marriage to Abdoolah. I and my wife followed the said priest with an intent to go to Mecca.

19. What was the reason of the said priest leaving you and Abdoolah on the road and himself suddenly moving in advance?

I do not know.

20. Is it possible for a man to turn one thing into another, such as copper into gold and stones into sugar-candy?

I heard it is possible for those who are conversant with the science called "Mohacul."

Digitized by Google

21. You have heard the deposition read to you, state if it is correct as you stated.

Yes, it is correct.

* Mark of HAJEE ABDOOL RAHIMAN,

(Signed) MUNGASIAB, *Tahsildar.*

(Translation.)

(Signed) J. D. ROBINSON,

Additional Joint Magistrate.

No. 924.

JUDICIAL DEPARTMENT.

To the Secretary to the Government of Bombay.

SIR,—I am directed by the Right Honorable the Governor in Council to forward copy of a letter and of its enclosures from the Magistrate of Malabar, dated 21st November 1855, No. 62, and to request that with the permission of the Right Honorable the Governor in Council, inquiry may be made of Captain Haines, if still in India, whether he did convey to the late Mr. Conolly a warning to the effect alluded to, and if so, when such warning was made, and what were the circumstances which induced him to make it.

2. Should the information which may be afforded by Captain Haines suggest any further subjects for inquiry, as bearing on the late murder, I am desired to request that the Government of Bombay will be good enough to follow up the clues presented, and to inform this Government of the proceedings which they may take, sending copies of their communication direct to the Magistrate of Malabar.

3. If Captain Haines should not be in India, it is possible that some information on the subject might be obtained from his former Assistant, Lieutenant Cruttenden, or from the present Political authorities at Aden.

(Signed) T. PYCROFT,

Chief Secretary.

FORT ST. GEORGE,
8*th December* 1855.

Digitized by Google

No. 1,026.

MADRAS, 1st *December* 1855.

From J. B. NORTON, Esq.,
Government Pleader.

To T. PYCROFT, Esq.,
Chief Secretary to Government, Fort St. George.

SIR,—I have the honor to acknowledge the receipt of Extract of Minutes of Consultation, No. 689, in the Judicial Department, under date the 28th ultimo.

2. I have kept this reference longer than I should have done, not from having entertained any doubt upon the subject, but with a view to search the Records of the Sudder, in order to learn, if possible, what circumstances gave rise to Regulation II of 1819.

3. I have not been able to discover anything which throws light upon this subject, though the letter of the Judges which accompanied the Draft Act to Government expresses a very strong opinion upon the extremely arbitrary quality of the then proposed enactment.

4. It is a well known rule that a penal statute, especially those which abridge the liberty of the subject, shall receive the strictest construction, (*see* Dwarris, page 646).

5. Act II of 1819 is, on the whole, perhaps the most arbitrary Act within my knowledge, and I am of opinion that it cannot be in practice extended beyond the narrowest limits of which it is capable.

6. It cannot be contended that this Act is applicable to every conceivable case which may occur; for the effect would be to place the liberty of every man at the mercy of Government, which might, without alleging any reason, transport and imprison for life, at its own will and pleasure; no appeal being of right permitted; no means similar to those of the Habeas Corpus Act being provided to enable the prisoner to test the legality of his confinement.

7. I think the title of the Act gives the key to its meaning. It is "a regulation for the confinement of *State* Prisoners;" and I am of opinion that it applies only to those offences which are known as State offences, or offences against the Government, such as treason, rebellion, misprision of treason, &c., and that it never was meant to apply or could be extended by implication to apply to those offences or crimes which the text books, Blackstone for instance, distinguish from "offences against the Government."

Digitized by Google

8. Section IV of Act XXIII of 1854 precisely bears this out; for in extending the provisions of Regulation II of 1819 and Act V of 1841 to parties amenable to its own provisions, it speaks of those two enactments "as respectively regarding the confinement or trial of persons charged with or suspected of *State offences*," and Section I of Act V of 1841, particularizes "State offences" as "treason, rebellion, or other crime against the State."

9. The present offenders have harboured murderers, admitting for the sake of argument that the parties harboured were the murderers, of which there is, however, no legal proof; but that is not a crime falling under the class of offences against the State.

10. Finally, if other argument were wanting, the very fact that Act XXIII of 1854 has by Section IV expressly extended Regulation II of 1819, is in my opinion conclusive against the supposition that the Regulation is *per se* applicable, independent and irrespective of the operation given to it by the extending terms of the Act.

MINUTE BY THE HONORABLE SIR H. C. MONTGOMERY, BART.

The Court of Foujdarry Adawlut, and the Government Pleader, have both declared their opinion that the provisions of Act XXIII of 1854 cannot be put in force for any act committed previous to the date of the Proclamation of the 17th September, and thus the object of declaring the Act in force, which the Government had in issuing that Proclamation, is wholly defeated, as the Act XXIII of 1854 cannot touch the parties implicated either in the murder of the late Magistrate, which took place on the 11th September, or in the concealing, harbouring, or aiding the murderers subsequently.

Under this construction, the Act might for all practical purposes as well never have been passed, for the sole justification for the Government declaring it in force, must be the actual occurrence of a serious outbreak, to which, by the above legal authorities, it is pronounced inapplicable.

I cannot believe that such was the intention of the Legislature, and I am satisfied it was not the intention of the framers of the Act or of the Government by whom it was recommended to be made law.

The Draft Act, when under consideration in 1853, was, I observe, forwarded to the Judge of Tellicherry among others for his remarks; and
No. 731. in the 5th paragraph of his letter of the 13th October 1853, he says, "I conclude that the terms of "Section II will be so construed as to include all accessories to fanatical

Digitized by Google

"outrages before or after the fact, so as to invest the Magistrate acting "under the orders of Government with the power of removing from the "District any landholder or other influential person who might be ascertained to have been implicated in, or to have connived at any outrage of this description. If otherwise, it would be desirable to insert "an additional sentence in the following Section, authorizing the Magistrate to proceed in the manner indicated in that Section *retrospectively* "with reference to parties implicated in an outrage wholly committed as "well as prospectively with regard to a design apparently contemplated, "but not yet carried into effect."

Mr. Daniel Eliott, then a Member of Council, made the following note on this suggestion, in which Mr. Thomas, also a Member of the then Council, concurred.

"It seems to me that the Draft in its reference to Regulation II "of 1819 is sufficient for this end, and of course an accessory before the "fact could be tried under Act V of 1841, as well as any party other- "wise implicated," and in accordance with these opinions the following sentence, standing in the original Draft of the Act as the termination of Section II, was omitted: "and all parties who may have been engaged "or concerned in such outrages, directly or indirectly, may be dealt with "or proceeded against under the provisions of the aforesaid enactment."

Thus this addition was deemed superfluous as the Act without it already embraced all parties so engaged or concerned.

The ends of justice and the authority of Government are defeated by the limitation of the scope of the Act which this literal construction of its provisions imposes, while the entire spirit and the intentions of the framers of it seem opposed to such construction.

Believing that the opinions of the Foujdarry Adalwut and the Government Pleader are erroneous in this instance, and that the acting on them, as the Government are now bound to do, will have a very injurious effect in Malabar, I desire to record my dissent to their construction of Act XXIII of 1854.

I desire also to express my dissent to the declaration of the Government Pleader, that Regulation II of 1819 is inapplicable to the present condition of the District of Malabar. I am unable to look upon the deliberately planned murder of the Magistrate and Chief Agent of Government in a large Province, and the cognizance and connivance of influential parties whose inimical feelings were excited by his fearless and honest execution of the orders of Government in any other light than as offences against the State; and I believe that the provisions of Regu-

Digitized by Google

lation II of 1819 would be properly and justly brought into operation against all parties implicated in such a crime, whom the ordinary laws could not bring to punishment, or whom, for the security of the general good order of the District, it was found necessary to remove from the sphere of their influence; and I gather from the following Extract from the Despatch of the Honorable Court, dated 28th April, No. 3 of 1852, that the Honorable Court's sentiments were to this effect :—

"As the Magistrate of Malabar, adverting to the formidable out-"breaks of fanatic Moplahs, which of late years have repeatedly taken "place in that District, strongly recommended that he should be autho-"rized to remove to some other Zillah certain individuals whose conduct "had given rise to well-grouned suspicions against them, we suggest "for your consideration, whether this object might not have been accom-"plished under the provisions of Regulation II of 1819."

(Signed) H. C. MONTGOMERY.

7th December 1855.

No. 925.

JUDICIAL DEPARTMENT.

Extract from the Minutes of Consultation, dated 8th December 1855.

Read the following letter from the Government Pleader.

(Here enter 1st December 1855.)

MINUTE BY THE HONORABLE SIR H. C. MONTGOMERY, BART.

(Here enter 7th December 1855).

Resolved that copy of the above letter and of the previous communication from the Government Pleader, under date 16th ultimo, with the Extract from the Minutes of Consultation of the 28th ultimo, be furnished to the Magistrate of Malabar for his information and guidance, in reference to his letter of 26th October last.

2. From these it will be perceived that in the opinion of the Government Pleader, parties suspected of connivance in, or complicity with, the murder of the late Mr. Conolly, cannot be dealt with under the provisions of Act XXIII, 1854, nor can they be proceeded against as State offenders, under Regulation II, 1819. Mr. Norton further gives his opinion, in which the Government are constrained to concur, that it is not probable that the Legislature would by a special enactment give Act XXIII, 1854, retrospective effect, so as to bring the offenders in question within its scope, though they might without difficulty be induced to legalize by an act of indemnity, if necessary, any measures already taken under the Act.

Digitized by Google

3. Under these circumstances it will become necessary for the authorities in Malabar to forego all further proceedings towards those concerned, in or accessory to the late murder, under the particular Regulation and Act above named.

The property of the assassins cannot be confiscated under Section II of the Act; nor can those who harboured, incited, or aided them, be brought under the special penalties or provisions of that enactment, nor of Regulation II, 1819.

4. The Right Honorable the Governor in Council is not aware that any steps have yet been taken by the Magistrate or Joint Magistrate of Malabar, in their inquiries into the causes and Agents of the late assassination, which it was not perfectly competent to them to take under the ordinary law with one exception. That exception is the burning of the bodies of the criminals, which though authorized by Section III of the Moplah Act, is not, as far as the Government are aware, warranted by any other Act or Regulation. It will be open to the Magistrate to address the Government in view to an act of indemnity being obtained from the Indian Legislature to sanction this proceeding, if there should hereafter prove to be any absolute necessity for such an application. It does not, however, seem probable that the legality of the course adopted in the disposal of the bodies will be questioned by the Moplahs; and it is on all accounts most desirable that the matter should not be mooted unless on clear emergency.

5. In foregoing future measures *under the Act,* the Magistrate should proceed with caution, so that the relinquishment of such measures should attract as little attention as possible. Although the special punishments provided by Act XXIII, 1854, do not attach, it is evident that, as remarked by Mr. J. B. Norton, the harbouring of murderers, and of course instigating or abetting them, are crimes *per se*, punishable by the Mahomedan law and by the Regulations. It will therefore still be the duty of the Joint Magistrate who has been charged with the inquiry to continue his researches, in view to the committal of the accused parties to the Criminal Courts for trial, if reasonable evidence can be obtained, or to holding them to security under the Regulations.

6. It has occurred to Government that it would facilitate the present investigation, if an intelligent and experienced Officer, European or Native, were deputed to conduct the prosecution of the accused parties on behalf of Government; first, before the Joint Magistrate, and afterwards, in committed cases, before the Joint Criminal, and Criminal Judge,

Digitized by Google

The Magistrate will, after consulting the Joint Magistrate, give his opinion on the above suggestion, and should he concur in it, submit for consideration the name* of the Officer (who may be in or out of the Covenanted Service) who, in his own view and that of Mr. Collett, would be best adapted for the duty.

* Or names if those of more than one Officer occur to him.

7. It should be added that although the Act XXIII, 1854, must thus be regarded as inapplicable to offences committed prior to the issue of the Proclamation of September 18th, 1855, and the course of justice as regards the punishment of the late execrable deed may thereby be partially impeded, it is of full force as respects all crimes against which it is directed which are of a later date. It is the determination of Government to enforce it to the utmost extent against all such, should any unhappily occur, nor will they withdraw the province of Malabar from its operation until they have made the most effectual arrangements for the suppression of such outrages and the maintenance of the peace of the District for the future.

(True Extract.)

(Signed) T. PYCROFT,
Chief Secretary.

No. 959.

JUDICIAL DEPARTMENT.

From T. PYCROFT, Esq., 22nd *December* 1855.
Chief Secretary to Government,

To THE SECRETARY TO THE GOVERNMENT OF INDIA.

SIR,—I am directed to forward for submission to the Government of India the enclosed papers as per margin, relative to the application to the Province of Malabar of Act XXIII, 1854, and to accompany them with the following explanation and remarks.

From Magistrate of Malabar, 26th October 1855.
Ex. Min. Cons., 10th November 1855.
From Government Pleader, 16th November 1855.
Ex. Min. Cons., 28th November 1855.
From Government Pleader, 1st December 1855.
Ex. Min. Cons., 8th November 1855.

2. On the 15th September last, the Right Honorable the Governor, at that time on the Neilgherry Hills, received from Mr. Todd, Assistant Collector of Malabar, a hurried letter, bearing date 12th September 1855, 1 A. M., and report-

Digitized by Google

ing that Mr. H. V. Conolly, Collector and Magistrate of the District, had been barbarously murdered in his own house, a few hours before, by a party of Moplahs.

3. On the 17th September His Lordship received further reports from Mr. Collett, Sub-Collector, dated 14th and 15th September, as also one from Mr. Todd, dated 14th, upon the circumstances of the late murder, and upon the state of the District, which convinced him of the necessity of at once subjecting the whole Province to the provisions of Act XXIII, 1854.

18th September. Communication to that effect was immediately made by Electric Telegraph to Madras, and the Proclamation required by Section I of the Act was published in that evening's Gazette. Copy of that Proclamation accompanies.

4. The assassins of Mr. Conolly having been promptly followed up were destroyed on the 17th September, on the day preceding the issue of the Proclamation, by a party of Her Majesty's 74th Highlanders and of the Moplah Police Corps. As usual in such cases the Moplahs fought with desperation. It was impossible to take any of them alive. All were killed on the spot.

5. After their destruction, their bodies having been for a time gibbeted, were burnt at Calicut under Section III of the Act. Measures were also adopted by the Joint Magistrate for the confiscation of their property, under Section II, and for proceeding both under the Act and under the ordinary Law against all who had in any way been privy to the assassination or had harboured or assisted the actual prepetrators of it.

6. On application being preferred by the Joint Magistrate to the Session Court of Calicut for the confiscation of the property of the murderers, reference was made by the Judge to the Court of Foujdarry Adawlut. That Court expressed their doubts whether the property in question could legally be condemned under the Act, inasmuch as its owners had been killed in open resistance to the Troops anterior to the issue of the Proclamation of 18th September.

7. The Government were in consequence induced to consult the Government Pleader on the applicability of the Act generally either to the actual murderers or to those who had sheltered or abetted them; as also on the question whether irrespective of the special and local Act, the latter parties could be dealt with as State offenders under regulation II, 1819, of the Madras Code.

Digitized by Google

8. It is to this correspondence that I have to solicit the particular attention of the Supreme Government. It will be perceived that Mr. J. B. Norton holds that the Foujdarry Adawlut were correct in their view; that the Act XXIII, 1854, was a mere dead letter until called into vitality by the Proclamation of September 18th; that its penalties and provisions do not attach to any crime committed before the Proclamation was published; that all proceedings under the Act either against the effects of the assassins or against the accessories must therefore be foregone, as none such can be carried out without a retrospective enactment which it is not probable that the Legislative Council would pass, although they might without difficulty be induced to pass a short Act of indemnity, if necessary, legalizing any measures which the authorities may have already taken.

9. The Government Pleader has likewise given it as his opinion that the parties in question could not be considered as State offenders within the scope of Regulation II, 1819, and could not be dealt with under that Regulation.

10. In consequence of this opinion, the Government have felt it incumbent upon them, as will be seen from their Extract Minutes of Consultation, 8th instant, to direct the Magistrate of Malabar to relinquish all further measures under Act XXIII, 1854, against the estates of the murderers of the late Mr. Conolly, or against those who were privy to or abetted that crime; and to proceed against these latter under the ordinary law, committing for trial to the Criminal Court, or holding to security those against whom sufficient evidence may be forthcoming to justify such courses respectively. The only proceeding actually taken already in the case, which could not have been adopted under the ordinary law, is the burning of the bodies of the Moplahs. It is not probable that the legality of this will be called in question, and it is very undesirable that the matter should be mooted without palpable necessity; but the Magistrate has been informed that he may address Government in view to an act of indemnity being applied for, should such a necessity really present itself. He has likewise been told that it is the intention of Government to keep Act XXIII, 1854, in force, and to give it full effect in respect to any outrages committed subsequent to the issue of the Proclamation should any unfortunately occur.

11. I am now instructed to report these proceedings for the information of the Government of India, although the Government have

Digitized by Google

not deemed themselves warranted in gainsaying the opinion of the Government Pleader, supported as it is by that of the Judges of the Court of Foujdarry Adawlut, they must at the same time submit that, if these views be correct, the value of the enactment as the means of repressing the sanguinary outbreaks against which it is directed, for the reasons shown in my letter to Government Pleader of 10th November 1855, paragraph 5, and quoted in the margin, must be much diminished, and the object of the Legislature in passing it *pro tanto* defeated.

If this be so, it follows that the Act must practically be nearly useless. The outrages to which it is meant to apply are usually committed suddenly, and before anything has transpired to attract the notice of the District authorities. A murder is perpetrated, the fanatics run their brief career of crime, are followed up and destroyed by the Military or Police before the Government at Madras can be apprized of what is occurring. Yet, if the view seemingly taken by the Foujdarry be correct, the suddenness of the outbreak, its speedy course, and the rapid destruction of those immediately concerned in it, render them; as regards their property (in which alone they can be reached) and the yet more guilty parties who have incited or abetted them safe from the provisions of the Act.

12. I have to add, that the Honorable Sir H. Montgomery does not concur in the opinion of Mr. Norton and the Foujdarry on the inapplicability of Act XXIII, 1854, and Regulation II of 1819, to the parties in question, and has recorded his dissent in a Minute to which I have to solicit attention.

No. 5,323.

POLITICAL DEPARTMENT,

BOMBAY, 21*st* *December* 1855.

From H. L. ANDERSON, Esq.,

Secretary to the Government of Bombay.

To T. PYCROFT, Esq.,

Chief Secretary to the Government of Fort Saint George,

Madras.

SIR,—I am directed by the Right Honorable the Governor in Council to acknowledge the receipt, on the 19th instant, of your letter with enclosures, dated the 8th idem, No. 924, and to state for the information of the Right Honorable the Governor of Fort Saint George in Council, that a copy thereof was immediately furnished to Mr. Crawford, Senior Magistrate of Police at this Presidency, with instructions without loss

Digitized by Google

of time to see Mr. S. B. Haines, (formerly Political Agent at Aden, but now in the Bombay Jail,) and take his deposition on the point alluded to in the 1st paragraph of your letter.

2. The Senior Magistrate's attention was at the same time called to the 2nd paragraph of your letter, with instructions to pursue any further objects for inquiry that the information Mr. Haines may afford, may suggest.

3. I am desired to transmit to you copy of a letter which has this day been received from Mr. Crawford, reporting his proceedings consequent on the above instructions, and to state that on the receipt of a further communication from that gentleman, the same will immediately be communicated to you.

4. With reference to the concluding portion of the 2nd paragraph of Mr. Crawford's letter, I am directed to state that a reference will immediately be made to the Political Resident at Aden, for any information the records of his Office may afford on the subject alluded to.

5. As connected with the last paragraph of your letter, I am desired to state that Lieutenant Cruttenden, I. N., is now in England.

No. 511.

POLITICAL DEPARTMENT,
BOMBAY, 21*st December* 1855.

From W. CRAWFORD, Esq.,
Senior Magistrate of Police.

To H. L. ANDERSON, Esq.,
Secretary to Government.

SIR,—I have had the honor to receive your letter, No. 5,296, dated the 19th instant, with its several accompaniments, directing me to take the deposition of Mr. S. B. Haines, now in the Bombay Jail, relative to his having conveyed to the late Mr. Conolly a warning that his death had been resolved on, in consequence of proceedings connected with the expatriation from Malabar of the Moplah High Priest.

2. In reply, I have to report, for the information of the Right Honorable the Governor in Council, that yesterday, immediately on receipt of your communication, I wrote to Mr. Haines, informing him

Digitized by Google

that I should call upon him this morning at 11 o'clock to take his deposition on the subject referred to. In the course of the evening, I received a reply from Mrs. Haines, informing me that her husband was so ill that he was unable to receive me to take his deposition, but that all the information he was possessed of was on record in the Aden Office.

3. Considering, however, that my presence at the jail might induce Mr. Haines to make an effort to detail to me what he knew in reference to the murder of Mr. Conolly, I called there this morning at the time appointed, and was politely received by Mrs. Haines, who informed me that the state of her husband's health did not admit of my seeing him; that he was unable to write himself; but that she would endeavour to get from him, from time to time, when sufficiently composed, all that he could recollect on the subject, as she informed me his memory was now much impaired.

4. Mrs. Haines promised to let me know the result in a few days; and on the receipt of her communication, I shall immediately forward it for the information of Government.

(True copy.)

(Signed) H. L. ANDERSON,
Secretary to Government.

No. 5,395.

POLITICAL DEPARTMENT,
BOMBAY, *dated 29th December* 1855.

From H. L. ANDERSON, Esq.,
Secretary to Government, Bombay.

To T. PYCROFT, Esq.,
Chief Secretary to the Government of Fort St. George.

SIR,—In continuation of my letter, No. 5,323, dated the 21st instant, I am directed by the Right Honorable the Governor in Council, to transmit to you, for submission to the Right Honorable the Governor of Fort St. George in Council, copy of a further letter from the Senior Magistrate of Police, No. 514, dated the 22nd idem, submitting the contents of a note received by him from Mrs. Haines, detailing the nature of the communication made by her husband to Mr. Conolly relative to the Moplah Chief priest Syud Fuzul.

Digitized by Google

No. 514.

POLITICAL DEPARTMENT,
BOMBAY, *dated 22nd December* 1855.

From W. CRAWFORD, Esq.,
Senior Magistrate of Police.

To H. L. ANDERSON, Esq.,
Secretary to Government, Bombay.

SIR,—With reference to my letter, No. 511, dated the 21st instant, I have the honor to report, for the information of the Right Honorable the Governor in Council, that last evening I received from Mrs. Haines a communication, the contents of which are below written.

2. "I think you will find that Captain Haines wrote *privately* to "Mr. Conolly *not* to warn him of any conspiracy, but merely because "suspicious circumstances gave rise to vague apprehensions, and seemed "to indicate a want of policy in banishing the Moplah Chief, or priest, to "a country where, as a matter of course, owing to his descent, he would "excite greater interest than even in Malabar, and where his opportunities "for intrigue would not only be more extensive, but might be indulged in "without fear of easy detection, or personal risk.

3. "The said Moplah Chief also forwarded his letters through the "Aden post, *under cover* to the Malabar Coast, viâ Bombay; information "to this effect was obtained from Mocha.

4. "It was also the custom for all Mahomedan Indians, as well as "his own people, to seek every opportunity to do him homage. Moreover "he had the finest house in Mocha, and his reputation as a banished man "and popular high priest, appeared to win greater honor than that paid "to the Governor himself.

5. "The said Chief was most anxious to *settle* at Aden, but Captain "Haines decidedly opposed the step, giving him to understand that such "could not be permitted without the especial sanction of the Indian "Government.

6. "It was the clandestine correspondence with the Malabar Coast, "that induced Captain Haines, I think, to warn Mr. Conolly, by private "letter, of the increasing influence this Moplah Chief was obtaining in "Arabia.

7. "Captain Haines' individual interest in watching the progress of "so questionable a neighbour emanated from the idea, that should any "unintentional affront occur, the harmony of the Tribes in the vicinity of

Digitized by Google

"Aden might be disturbed at his instigation, and thus many mysterious "reports lead to suspicion of intrigue with the Moplahs of Malabar; and "Captain Haines, in consequence, deemed it better to apprise Mr. Conolly "by private note in addition to his official communications, that the move- "ments of the priest were such as to inspire mistrust, &c.

8. "The official correspondence on the subject will be found among "the Aden records; and I am sorry to say this is all the information I "can gather concerning the matter of your note."

(True Copy.)

(Signed) H. L. ANDERSON,

Secretary to Government.

Digitized by Google

Digitized by Google

1856.

Digitized by Google

Digitized by Google

No. 32.

JUDICIAL DEPARTMENT.

Extract from the Minutes of Consultation, under date the 11th January 1856.

Doubts having been entertained, whether under the Proclamation published in the Fort Saint George Gazette of 18th September last, the District of Malabar was made subject to the provisions of Act XXIII, 1854, for all the purposes and to the full extent contemplated in that Act, or only so far as might be necessary for the seizure of the assassins of the late Mr. Conolly, and punishment of those implicated in the murder.

The Right Honorable the Governor in Council resolves to request the opinion of the Government Pleader upon the following point:—

"Whether the force and effect of the Proclamation of September 1855 is to subject the entire Province of Malabar, unreservedly, to all the provisions of Act XXIII, 1854, so that all offences of a nature cognizable by the Act, which have occurred subsequent to the issue of the Proclamation, or which may hereafter occur until the Proclamation is re-called in the manner prescribed in Section IX, may be dealt with under the Act; without reference to the consideration, whether such offences may or may not be connected with the murder of the late Collector.

(True Extract.)

(Signed) T. PYCROFT,
Chief Secretary.

No. 55

CALICUT, *24th December* 1855.
Despatched from Angadiporrom,
28th December 1855.

From T. CLARKE, Esq.,
Magistrate of Malabar.

To T. PYCROFT, Esq.,
Chief Secretary to Government, Judicial Department,
Fort Saint George.

SIR,—With reference to the Extract from the Minutes of Consultation of the 8th November, I have the honor to forward for the consideration of Government, copy of a letter from the Joint-Magistrate, dated 15th instant.

Digitized by Google

2. After stating the stage at which he has arrived in his inquiries into the murder of the late Magistrate, and expressing his fears that the evidence he has been enabled to obtain will hardly be deemed in a Court sufficient for the conviction of the parties apprehended by him, Mr. Collett, in the 3rd paragraph of his letter, adverting to the suggestion of Government of appointing a public Prosecutor to conduct before the Court on behalf of Government, the prosecution of the cases he has prepared, names Mr. W. Robinson as the only European officer he considers likely to carry out this duty to the satisfaction of Government; and in the following paragraph he suggests that the Huzzoor Head Moonshee Munju Nathan Kamithy be associated with Mr. Robinson.

3. Without intending at all to disparage Mr. Collett's peculiar and singular fitness for the inquiry in which he has been employed, or to detract from the praise due to him for the manner in which he has discharged himself of this duty, it appears to me, for obvious reasons, that the appointment of a public Prosecutor of ability and legal acumen and practice, would be of the greatest service in enabling Mr. Collett to have the cases placed before, and carried through the Courts in which he could not find it possible to appear in the most efficient way, and with this view, if it be not in the power of the Government to appoint Mr. Robinson, as requested by Mr. Collett, I hope they may be able to obtain the services of Mr. J. B. Norton, or some Barrister of experience and standing for the proposed duty.

4. Mr. Collett has, I believe, been able to trace the murderers, almost from their breaking jail to their destruction by the military. The degree of sympathy and interest that these men, without character and utter strangers, attracted towards themselves throughout their journeyings, is not one of the least striking or dangerous features of the late outbreak. They were feasted, paraded, carried to the mosque with honor; prayed with, and every honor that it is possible to show them, was accorded to them on account of the avowed work they were about to undertake, viz., the murder of the Collector.

5. Above 200 people have been apprehended by Mr. Collett, as more or less implicated with the murderers before the fact, but it is feared that in very few instances will sufficient evidence be obtained for conviction. For in addition to the difficulties arising in ordinary cases of judicial inquiry, a vast system of secret combination has been organized by this class, which renders it not only disgraceful, but dangerous for

Digitized by Google

Moplahs to give evidence against other Moplahs in cases of this nature. It is not therefore to be expected with known and wide-spread instances of the fearful consequences of breaking this caste rule, that the statements made before the Joint-Magistrate will be repeated in open Court in the face of collected crowds of Moplahs ready to mete out speedy vengeance on those who may transgress. Most if not all the guilty parties will therefore, it is feared, escape, for the witnesses in almost every case are exclusively Moplahs.

6. In the 5th and following paragraph, Mr. Collett urges on the consideration of Government, the reasons which lead him to apprehend that the present change of measures in dealing with the accused parties will have a disastrous effect.

7. Among other facts and arguments used by Mr. Collett, he shows the degraded and debased and superstitious condition of the Moplah population, and how much they are under the power and sway of designing men, and mentions that the feeling is strongly entertained by them that the intercessions of the Tiruvangady Tangul are being used to avert the evils now hanging over them. He particularizes the measures taken by the late Magistrate to make fully known the provisions of Act XXIII of 1854, and states that there are no persons in this District who did not believe at the time, that that Act had become law, and expresses it as his conviction, that this belief acted most materially in the late outbreak, in deterring many others from joining the rebels, and he records his deliberate opinion, that the peace of the country, and the lives of our subjects, are now dependent on the course which it may be determined to pursue; that if the Act is not enforced, an outbreak is inevitable, and that this outbreak, the provision of the Act will not be found adequate to control, but that it will be necessary to have recourse to Martial law to put it down.

8. I feel I can add nothing to the facts and arguments used by the Joint-Magistrate. The Government are in possession of my views of the consequences of foregoing further proceedings under the Act, and it is the deliberate opinion of every well-informed inhabitant of this part of the country, that the crisis is a peculiarly imminent one, fraught with danger which cannot be exaggerated. Yet, though the apprehended danger is unquestionably great, this cannot decide the mode in which it should be met, much less can it justify the use of questionable or unconstitutional means to avert it.

Digitized by Google

9. We have, it appears to me, a choice of difficulties, and in that choice we are to consider whether it would be safer, on the next occasion, to entrust the lives and property of our peaceable and well-behaved subjects to the hands of an infuriated and inflamed mob of fanatical rebels, elated by supposed success, and victory, and excited by false notions of the influence and power of their Tangul, or for Government now to exercise extraordinary State power under highly exceptional circumstances in which our authority has been prominently set at naught.

Our situation is not like that of a national Government, which is associated in language, prejudices, habits, and religion, with the people it governs. This want of natural root in the soil forces us to adopt a course of action which a Government differently circumstanced might avoid. The necessity of not injuring the impression on which the very foundation of our authority rests, obliges the Government to carry through at all hazards every dispute and contest with its inhabitants. The measures of a local Officer, which occasion such a necessity, may be disapproved of, but our name and ascendency must be supported, and victory must be obtained, for we cannot long exist if our strength be doubted.

10. We may take measures, it is true, for the next occasion; but it must not be forgotten that it belongs not to human wisdom to regulate the impetus of that movement, which has been precipitately and unseasonably excited in large communities. These observations may perhaps acquire importance when applied to these Moplahs, who, though divided by classes and separate interests, are most closely associated with sympathies of prejudice and religion, which show a disposition to unite together in a most dangerous degree.

11. The Tanguls are the real masters of the turbulent, ignorant, and superstitious, and their knowledge how to use their influence has been rendered complete by frequent exercise of late. We are and must remain completely separated from them, and can only defend ourselves from attack by preventive measures. Our condition does not merely limit the attainment of that knowledge which appears necessary for our safety, but it compels us after we have attained it, to be most cautious in its application. If we appear to doubt our own strength, it will be doubted by others, and is it of a character that will survive any general or wide spread impression of its want of durability?

Digitized by Google

12. The Act places at our disposal two most effective measures of prevention; the first, that of fining the Amshams, which makes it the interest of those who have from situation and influence the means of restraining and preventing the lawless from breaking out, to use that influence on behalf instead of against the Government; the second, that of expatriating the authors and abettors of these outbreaks, enables us to get rid of those whose influence and power used for the worst of purposes, enable them by money or threats to set all the Courts of Law at defiance; but if we are prevented using these means on the present occasion, I fear, with Mr. Collett, they will be powerless on the next, that we shall then be compelled to have recourse to Martial Law, and where and when its application may be stayed, who can say?

13. The last outbreak exceeds in audacity, if not in cruelty, all former ones. Act XXIII of 1854 had just been carefully published, and Mr. Collett pledges himself to the assertion, that the inhabitants of Malabar, and more especially the Moplah population of the disturbed Taluks, fully believed, and acted under the belief, that this Act was law, and that this belief operated materially in preventing a more general rising among the people. In the face of this proclamation, we have four escaped Convicts set up to avenge a State Act by the murder of the chief executive servant of Government in this District. The elected murderers beat up for recruits, but happily for the District are able, from fear of the Act, only to obtain one to join them. Throughout the country, however, they are received with all demonstrations of of honor and esteem, and penniless coolies and men of bad character are for a deed of cold-blooded atrocity looked on and treated with the most marked respect. They execute their commission with unparalleled and mysterious success, and with most barbarous and malignant cruelty, they cut up and mangle in a frightful manner the body of their victim. They return and are received among their people, commit further outrages and at last fall, as they had determined to do, as open rebels before our troops; looked on as martyrs in a holy cause, and even the act of disgrace imposed by Government on their remains, is, by the designing among their countrymen, declared to open to them Paradise and the joys they had died to attain.

14. But the consequences of the deed for a time staggered the whole race, and the recollection of the new law alarmed them. The Moplahs are now fear-stricken and perplexed; they are looking for the fulfilment

Digitized by Google

of the pledge given them by the promulgation of the Act. They will not and cannot understand why it is not enforced. They are aware it was passed solely to meet such cases, that it was the result of a most deep and painful inquiry; but when the gravest case which could ever occur under it has been perpetrated, they find the guilty parties are permitted to go free.

15. To recede is often more hazardous than to advance, and this is peculiarly so with this people, by whom fear and the intercession of the Tangul will be attributed as the causes of their supposed success. It appears to me, therefore, that if the future tranquillity of the District is to be considered, the measures provided by Sections IV and VII of the Act are needed and imperatively called for; but how such powers are to be conferred is the question. Many difficulties will occur, and many obstacles will oppose the successful solution of the question; but if the ends of all Government, and all laws, the protection of good and loyal subjects, and the terror and restraint of the evil, are to be attained, these difficulties and obstacles will perhaps lose much of their force, and be effectually and legitimately overcome. The legal objection now raised, sound and good as it is in the abstract, did not suggest itself to the late Magistrate, nor apparently to the Government, and it is one which will hardly occur to the people who do now and always have viewed themselves as under and obnoxious to all the provisions of the Act from the dates of its promulgation, and they will continue to do so, notwithstanding all that may be said to the contrary.

16. In conclusion, I trust I may not be conceived presumptive enough to state any opposition of my own judgment to that of my superiors. I feel there is no indifference on my part to the orders of Government, much less is there any self-sufficient notion of following my own wishes in the remarks I have ventured to submit; but I plead a cause of, what appears to me, positive and unequivocal necessity. We are engaged in a struggle, the influence of which cannot be calculated on or determined, and I desire to discharge my duty by laying before Government my views of the extent of this struggle, and its effect on the future tranquillity of the District.

17. Should the Government feel it to be out of their power to alter the resolution arrived at in the Minutes of Consultation under acknowledgment, I trust that I shall always be found ready cheerfully to submit to their decision and to adopt with alacrity and vigour all the

Digitized by Google

powers entrusted to us, under the Act, on the occurrence of any future attempted outbreak, and I can only hope such measures may be found to falsify our present fears and anxieties.

18. Mr. Collett in the 10th paragraph of his letter mentions his having in one or two instances attached the property of some of the suspected persons in anticipation of the provisions of Act IV of 1854 being carried out; but he does not consider that an Act of indemnity will on this account be required.

19. He also observes that it will become necessary, before sending some of the cases to the Court, to admit some of the parties as approvers, and fears legal difficulties may arise to holding any of the suspected parties to security; but these points had perhaps better be left to the consideration of the public Prosecutor.

20. One or two cases which have occurred since the 18th September, in which the parties have, in the opinion of Mr. Collett, rendered themselves obnoxious to the provisions of Section IV of the Act, are under preparation by Mr. Collett for reference to Government.

No. 370.

Calicut, 15*th December* 1855.

From C. COLLETT, Esq.,
Joint Magistrate of Malabar.

To T. CLARKE, Esq.,
Magistrate of Malabar, Calicut.

Sir,—I have the honor to acknowledge the receipt of the Extract Minutes of Consultation under date the 8th instant. The inquiry upon which I am engaged was drawing to a close, and I had already begun to arrange the papers and prepare the cases in a form adapted for the consideration of Government when I received these orders. I did not see much prospect of having any cases to commit for trial before the ordinary Courts. I did not expect that on consideration I should find any of the cases in which the guilt of the accused could be established in legal form to such an extent as to ensure a sentence of capital punishment. In all, the risks of witnesses (almost without a single exception most unwilling ones) retracting, and the difficulty which in many cases surrounds the question of identity when required to be established in strict legal form, were serious obstacles. I had determined therefore to submit to Government

Digitized by Google

all cases in which the sentence would probably be short of capital punishment and thus ensure the punishment of as many as possible of the guilty, while at the same time the most beneficial effect would be produced by these proofs of the powers of the Magistracy.

2. Though I most deeply regret the abandonment of all proceedings under the Act, I will now turn my best endeavours to the preparation of the cases for committal to the Courts, so as to secure as great a measure of justice being meted out to the offenders as possible, though it will, I anticipate, fall lamentably short of what would otherwise have been the case, and what the good of the community so urgently requires.

3. Under the present circumstances, I am inclined to think that the appointment of a public prosecutor before the Courts will be desirable. Before me his services will not, I expect, be required, though I need not say I shall heartily co-operate with him. The appointment of a European servant of Government will not, I think, be productive of advantage, unless he is one known to the people and well acquainted with Malabar. I can think of no European officer so likely to carry out this duty to the satisfaction of Government as Mr. W. Robinson of the Civil Service, who has just returned to India. I should have been highly gratified had it been practicable to allow me to carry to its completion the inquiry upon which I have been engaged.

4. I think that Mr. Robinson will, though, find it desirable to have associated with him some one acquainted with every detail of my inquiries, and I therefore beg leave to suggest that the Huzzur Head Moonshee Manju Nathan Kamtee (who has been specially attached to me during this investigation) should be associated with Mr. Robinson. It will be advisable that he should be publicly recognized as a prosecutor, in order to obviate all objections to his speaking in Court, especially as he is very able at examining witnesses, and Mr. Robinson may possibly have lost somewhat of his former fluency in Malayalam. This public servant is well known to Mr. Robinson; he has up to the present time given me the highest satisfaction, and I had hoped on the conclusion of this business to bring his great zeal and ability prominently to the notice of Government. I do so now partly with the view of observing that his only present prospect is that of continued service in Malabar and, I think, it is incumbent on me to state that his services on the present occasion and the duty for which I have now designated him (though I am sure he will perform it without flinching) will render him highly obnoxious to the

Digitized by Google

Moplahs, and there is every reason to believe that if he continues in Malabar he will ultimately be made to pay the penalty for his zeal.

5. It cannot be blinked that the present change of measures must have a disastrous effect—the change of policy cannot be ultimately concealed—the Moplahs thoroughly believed that they were subjected to the penalties of the Act from the time of its existence being made known; they know of the strongly expressed determination of Government to carry out its provisions on the present occasion, and they will be quite unable to appreciate the real motives of Government in abandoning that resolution. Till the Act has been enforced, that is, till more blood has been shed to give occasion for so doing, I am quite sure the Moplahs (and Nairs also) will never credit that Government can ever be induced to enforce it. The Government may take extra precautionary measures, and I think it probable that in that case any immediate disastrous consequences may be mitigated. But nothing will teach the Moplahs the reality of the intentions of Government, but actual experience.

6. There is one feature which undoubtedly distinguishes the present from former outrages, and that is, that the chief incentive to the murder of Mr. Conolly was a political one; it was in revenge for the deportation of the Tiruvangady Tangul, a measure which he had advised and carried out in his capacity of chief executive officer of Government in the Province. The murderers, in more than one place, are proved to have proclaimed this as their motive, and it is perfectly clear from the sympathy with which they were universally received by the Moplahs, (including the wealthy as well as the low and degraded), previous to the murder, that there must have been such a cause. It is now clear that from an early date they shaped all their proceedings with a view to this end. It was the knowledge that they were plotting to retaliate upon the person of the chief officer of Government for this offensive measure that their caste people generally conspired together to aid them and preserved their secret inviolate, though it was literally known to scores, including women and children. But whether or not this aspect of the case may affect the nature of the crime so as to constitute it a State offence, it is clear from Mr. Norton's concluding words in paragraph 13 of his letter of the 16th November, that he is mistaken as to the character of the population with whom Government have got to deal when he surmises that the results of the trials will be comparatively unim-

Digitized by Google

portant, and that the proof that there exists a power to bring the parties before the tribunals of justice will have any effect. In a civilized country it would, and the lowest Englishmen would rightly appreciate the escape of offenders by the help of a technical objection. The same confidence, though, which allowed the offenders in this instance to make known their designs to many, will make the rest sure that the clan-like attachment of their caste people will save them from any risk from the ordinary tribunals of justice. The following facts may help to illustrate the uncivilized character of the caste. Many, I know, expected that Government would have sent a large force into the country and have taken vengeance for Mr. Connolly's murder by an indiscriminate slaughter—this fear was very general at first—most of the people do not appreciate why such a step was not taken. They are so bigoted and ignorant that I find that in Ernad and Valuvanad a report has been widely received, that the bodies of the murderers when thrown in into the fire were miraculously taken up into heaven unpolluted by the flames. In one part of the country (Melmury) which had been visited by the offenders, a rumour got about that I had received full powers from Government, and intended to punish those implicated in that place by burying a number of them alive in a pit. The impropriety or improbability of the idea did not appear to strike any. Conscious perhaps of their guilt, it was commonly reported when the Most Noble the Governor General was about in 1854 to pass through Malabar, that he was coming to destroy the mosques of the Moplahs and to carry off a large part of the population. Such people understand nothing but force. The belief that Government would deal summarily on the recommendation of the Magistrates, greatly tended to aid me in the inquiries I have made.

7. I am apprehensive that it may perhaps be deemed presumptuous on my part; but I would still most respectfully, but earnestly, entreat the Government to reconsider their determination not to apply to the Legislature for an Act modifying Section I of Act XXIII, 1854. The fact that in the present instance the objection to *ex post facto* laws does not in reality exist, is a strong argument in favor of the supposition that the Legislature would not refuse to pass the Act required. I can assert with the utmost confidence that every inhabitant of Malabar, and more especially the Moplah population of the disturbed Taluks, fully believed and acted under the belief that Act XXIII, 1854, would apply to them for any acts they committed from the time it was

Digitized by Google

first made known, as it was most widely and carefully, in Malabar.* Not one man who would have become (but for the objection now raised) liable to its provisions, but acted under the full belief and impression that he was so liable. It cannot therefore be alleged that if the Act be modified as suggested, any prisoner could plead that he was in consequence subjected to penalties which he did not at the time know (or what is the same thing, firmly believe) were attached to the acts of which he has been guilty. He could not, therefore, urge that in punishing him under the Act, the integrity of any fundamental principle of justice had been violated. With due submission, it appears to me that there is no analogy between the present case and the proclaiming of the Riot Act; the act of proclamation in that case is a direct warning to the mob assembled. The Act itself is a temporary expedient called into existence on each special occasion and ceasing with it; the very fact of its penalties not applying till an hour after the proclamation shows that the intention was to give a *locus penitentiœ.* The proclaiming of Act XXIII, 1854, is done once for all. It is a mere extra formality contrived apparently for the purpose of affording the Madras Government a discretion as to the extent of its application. Obviously a Moplah would be liable to the penalties of the Act for any act done by him on the 19th September, though it was physically impossible for him to have known on that day that he had so become liable. I am at a loss to understand then, what violation of any principle of justice there is that should hinder the over-ruling of a formality when the case is the other way, when the Moplah believed himself liable, and when the proclamation may be said to have been actually made, though in an informal manner. Were the law a new and unknown one, we should in mercy shrink from inflicting the penalty for the acts done on the 19th September. If mercy would be shown to the criminal, why do we refuse mercy (when it involves no injustice) to those who have a greater right to it. I mean the peaceful inhabitants of Malabar who suffer from these outrages.

* I annex a copy and translation of Mr. Conolly's Circular Order promulgating the two Acts of 1854.

8. I am not questioning the soundness of the objection viewed only with a technical eye. I admit it. But I submit that it is in reality a purely technical one, of no more value than if a law had been printed in an informal manner, or had had some signature accidentally omitted, though none of those affected by the law were ever aware of the infor-

mality or the accidental omission. I do not urge that such technicalities are of no value and need not be respected. On the contrary, they generally should be respected. No doubt they are safeguards against error; but they may be abused till (as in my humble judgment the maintenance of the present objection will be) *summum jús* becomes *summa injuria.* I venture therefore to urge on this ground the necessity of applying to the Legislature to prevent the most disastrous consequences which inevitably will result from the maintenance of an objection technically sound; but the over-ruling of which, while it will avert great evils, will violate no principle of natural justice. Surely in this case the consideration of the results is the essential point. The matter resolves itself into a conflict of evils; the evil of violating a rule (the literal and strict interpretation of penal statutes) which is generally a preservative against error and the vindictive passions of human rulers, but which, in the present instance, I have endeavoured to show has, from other causes, lost these virtues; and the evil on the other hand of certainly endangering the peace of a large province. Were the evil results of the observance of the rule likely to be slight or uncertain, it might be better to respect the technicality, though it were merely because it had been constituted a rule. But I beg leave to remind the Government that the results will, as far as human beings can judge, be neither slight nor uncertain. I am very far from wishing to oppose my lay-judgment to that of the Government Pleader. I believe, though, that that gentleman would not himself view these remarks in that light. I even venture to question whether with a fuller knowledge of the circumstances attending the promulgation of the law, and when satisfied, as I trust the Government will now be, with regard to the universal impression* prevalent throughout the country, and under which all acted, he would not, while advising the Government that the objection was legally tenable, have also expressed an opinion that it might, under the circumstances, be properly overcome by an application to the Legislative Council, who would, I trust, if the facts of the case be fully explained, not object to pass the necessary Act.

* Note.—I strongly believe this chiefly prevented their being joined by others.

9. I would most respectfully beg leave to record my humble but very deliberate opinion that the peace of the country and the lives of our subjects are now dependent upon the decision of Government on this matter; and I clearly anticipate that on the recurrence of another outbreak,

Digitized by Google

which, though, it may not be imminent, will, I believe, be inevitable, the provisions of Section II, Act XXIII, 1854, will not be found adequate, but that the Government will then be compelled to prove (in the energetic language of the Minutes of Consultation, dated the 1st March 1852) that "they are resolved at all costs, even that of placing the Province under Martial Law, to put down utterly and for ever a state of things revolting to the common principles of humanity, and disgraceful to any civilized or even uncivilized people." I base this opinion not on the hasty conclusions of an hour, but on a consideration of the nature of the chief motive which stimulated to the late atrocity, on the wonderful and wide-spread influence which that motive is shown by the course of my inquiry to have had on the Moplah population, on all I know of the Moplah character and of their present expectations, on a sure conviction of their wholly mistaking the motives of Government and viewing the escape of the offenders as a direct interposition of Providence on behalf of the avengers of their Tangul, and lastly on the concurring opinions of alike Musselmans, and Hindoos, as to the evil results of not adequately marking the present outrage.

10. Should the Government still adhere to their present determination, it will not probably be necessary to apply for an Act of Indemnity, though I have gone further than the Government suppose. When, it became clear that I should in all probability be able to convict under the Act some of the rich Moplahs of Betutnad, as I had in two or three instances seized all the male members of the family, I made arrangements for the safe custody of their property, which is now under the charge of Revenue Officers; this was chiefly with the view of preventing its being misappropriated. It will be as well, not at present, to relinquish charge of the property. It will be time enough to do so when the trials are concluded, and then there will be no difficulty in accounting for it, and I do not expect any one will give me any trouble in consequence.

11. It will be necessary to admit a good many accomplices as approvers—indeed few are altogether free from guilt. With reference to the concluding words of paragraph 5 of the Minutes of Consultation, to the effect that those against whom there is reasonable evidence should be committed or else held to security under the Regulations, I beg leave to point out that it is illegal for a Magistrate to hold a person to security on suspicion of a specific offence, save those cognizable by him under Section VII, Regulation X, 1816. I could not, I believe, hold to security

Digitized by Google

under the ordinary Regulations, persons whom I may merely suspect of complicity in the late outrage. If, though, I had before me evidence as to their *general* character, I might do so. But in that case, the object is the same as that of Sections IV and V, Act XXIII, 1854,* which would be clearly applicable, if from their general character and former conduct there is reason to suspect them of an intention hereafter either to act as fanatics themselves or to incite others to do so. Subsequently to the 18th September last, I apprehended a desperate character in possession of a war-knife, to whom the Act is clearly applicable. There are also four Moplahs apprehended lately in Valuvanad, one in possession of a war-knife, and some, at least, of whom are, I think, rightly suspected of a design to murder the Tahsildar in revenge for his activity in the present inquiry. Their cases being somewhat connected with the present inquiry have not been submitted to Government, but will now be sent up as soon as possible.

* See para. 9 letter from Government Pleader, November 16th, "the prevention of a spread of insurrectionary acts or feelings throughout the District."

12. My intention was to have prepared a general report giving the result of the inquiry viewed as a whole, while I threw into the form of Appendices the summaries of evidence in the separate cases; I will still adhere to this arrangement, as, though, the summaries will not now conclude with my opinion as to the sentences to be passed, they will still show the real nature of the guilt of the different parties, though very many of them will no doubt be acquitted by the ordinary Courts.

No. 40.

(Circular.)

The order from the Magistrate of Malabar to the Head Police Officer of the Calicut Taluk.

I send an abstract translation of Act No. XXIII of 1854; you are required to see it promulgated, by sending also copies thereof to the Adigharies and the Officers who visit the Umshoms, and see that they are published at all the Deshoms, bazars, fairs and other places of public resort, by beat of tom-tom. The original copy you will keep in your Cutcherry, and copies of it you will send to the Umshom Cutcherries to be stuck up at conspicuous places, so that it may be seen by all.—*December* 1854.

Digitized by Google

No. 46.

(CIRCULAR.)

To the Head Police Officer of the Cootnad Taluk.

In order that you may promulgate Acts Nos. XXIII and XXIV of 1854, an abstract translation of the former I sent with the Circular Order on——December under No. 40, and a full translation of the latter I sent with the Circular Order on 2nd December, No. 39. These translations were sent with the view that they might be published at once for the information of the inhabitants before the arrival of the translation from Madras. Printed Malayalam versions of these two Acts have been since received. Twenty-three copies of Act No. XXIII, and twenty-three copies of Act No. XXIV, are now sent you. You will, as directed in the former orders, send these to all the Umshom Officers, through whom, and through the Officers visiting the Umshoms, you will see that they are published by beat of tom-tom for the information of all the people. You will also see that these (Acts) are read at all the fairs, bazars, and other places of public resort. As it is desirable that all the inhabitants of Malabar, and especially the Moplahs, should be fully acquainted with and understand the enactments of Act No. XXIII, and also the penalties contained in those enactments, you will be mindful that you especially communicate this Act to the Moplahs; and when you go on circuit to the Umshoms, you will be careful to inquire if there are any people who have not heard of these Acts. You will obtain reports from the Adigharies of their having fully published Act No. XXIII in particular, and submit your report within fifteen days.

CALICUT, *30th December* 1854.

P.S.—Copies of Act No. XXIII and copies of Act No. XXIV are also sent herewith that you may circulate them among the principal inhabitants of each Umshom, and especially copies of Act No. XXIII among the principal Moplahs.

No. 2.

PATTAMBY, *3rd January* 1856.

From T. CLARKE, Esq.,

Magistrate of Malabar.

To T. PYCROFT, Esq.,

Chief Secretary to Government, Judicial Department,

Fort Saint George.

SIR,—With reference to my letter of 24th ultimo, I have the honor to transmit to you, to be laid before Government, the accompanying copy of a letter dated 31st ultimo, from the Joint Magistrate.

Digitized by Google

2. In this communication Mr. Collett, with reference to the suggestion made in his letter of the 15th December, that Mr. W. Robinson should be appointed as public prosecutor to prosecute the parties connected with the murder of the late Magistrate, expresses his fears that the number of cases are so few in which it will be found possible to obtain a sufficiency of proof to justify a committal to the Courts, and in those few cases the accused are persons of such little consideration, that he questions the advisability of a European officer being specially sent to Calicut on this duty.

Mr. Collett promises in a few days to submit an abstract of the evidence obtained by him, which, he trusts, will enable the Government to judge of the measures it may be most proper to adopt on this occasion.

No. 382.

Calicut, 31*st December* 1855.

From C. COLLETT, Esq.,

Joint Magistrate.

To the MAGISTRATE of MALABAR,

Calicut.

Sir,—With reference to my letter of the 15th instant, I have the honor to state, that on further consideration of the nature of the evidence procured against the parties implicated in the murder of the late Mr. Conolly, I have been induced to modify the opinion I have expressed as to the advisability of appointing a European officer to conduct the prosecution before the Courts. I believe that the number of persons whom it will be advisable to commit will be small, and that with two or three exceptions, they will not be persons of importance or much influence. The chief source of danger will be in the probability that important witnesses will wholly retract their former testimony, as they are almost without exception unwilling witnesses. I doubt, therefore, whether Government will be disposed to consider it worth while to depute a European officer for this purpose. I hope to be able in the course of three or four days to submit a letter containing an abstract of the evidence forthcoming, which will, I trust, enable Government to judge of the measures most advisable to be adopted.

Digitized by Google

MINUTE BY THE RIGHT HONORABLE THE PRESIDENT.

The letter lately received from Mr. Collett in which he declines the assistance of Mr. Robinson (which he had previously sought for), on the grounds that there were very few cases relating to the murder of the late Mr. Conolly, which he could, in conformity to the late order of Government, bring before the ordinary Courts, goes to show that this Government can have little hopes of producing any effect on the Moplah population of Malabar, with respect to the gravity of the view which it takes of the late offence, unless the Act of 1854 can be brought into force.

The letters lately received from the Collector and Sub-Collector state in very positive terms, that they are morally convinced, that the outrage was concocted and was not an act of impulse; that a large portion of the Moplah population were cognizant of the intention; that the murderers were received by many with distinction and respect; that they were blessed and consecrated for the deed by the priests; and that one of the minor reasons for the acrimony which instigated the crime, was the part which Mr. Conolly had taken in the deportation of the late Tangul.

The Collector states, moreover, in very positive terms, his conviction that if, in this instance, the law of 1854 is not rendered effective, that it will be of no use on any future occasion; that seeing it inoperative now, will render the Moplahs more bold, and that should a serious case of this nature occur, Government would be comeplled to resort to Military law.

These representations require the serious consideration of this Government.

Four months have already elapsed since Mr. Conolly's murder, and not only has no result been effected from the investigation which has been going on, but Government now finds that it can do nothing, and that those guilty of complicity in that horrible guilt, will probably escape unscathed.

But it is not so much their punishment for aiding the offence already committed, which is now of so much importance, as that examples should be made—which should be made—which will deter others from such deeds for the future.

It is clear, that if Mr. Clarke and Mr. Collett are correct in their statements (and the statements of Officers of such rank and importance

Digitized by Google

have a claim to serious attention) that Mr. Conolly was murdered on account of his acts as Collector of Malabar, and it may be inferred that the lives of the public Officers are now and will be in danger for the future, from this fanatic race.

This Government cannot stand by tamely and see the possibility of such occurrences for the future.

It cannot permit a feeling of desertion by the Government to be added to the sense of insecurity, which the Officers in Malabar must experience.

It must make every exertion to avoid the possibility of the blood of any Officer, who might become a victim at some future time in consequence of inertness now being laid to its charge.

There appears to me, that there remains but one course which can now be adopted, and that is, to seek for a short retrospective Act from the Legislative Council, which will make the Act operative from a time previous to Mr. Conolly's death, and which will take within its scope all the transactions which occurred in regard to that sad event.

I should have preferred to have laid before me the detailed evidence on the subject, which it is known that Mr. Collett is about to send up; but it appears to me so important that early measures should be taken to prevent further delay, that, I think, advantage should be taken of the presence of the Legislative Member in Madras to bring the whole state of the question before him, and to request him to press the point before the Legislative Council.

An additional reason for taking the course proposed may be found in the fact stated both by Mr. Clarke and by Mr. Collett, that the population have not been in ignorance of the law; but all pains were taken to make its provisions known to them as soon as it had passed; and that they are now under the impression that it is in force, and can be acted on.

I may add, that I am aware from private information, that unless energetic measures are taken, and under the circumstances Government cannot adopt, unless a retrospective Act be passed, that serious inconvenience must arise to conducting the ordinary course of Government in Malabar.

The confidence of the Officers, both European and Native, is shaken in the hope of that support which they had a right to expect, and that a desire is evinced to remove from the District, while a disinclination to proceed and to be appointed to it, must also succeed.

Digitized by Google

Copies of Mr. Clarke's and Mr. Collett's letters should be given to him, and should also be sent to the Government of India, in continuation of former papers transmitted already.

(Signed) HARRIS.

GOVERNMENT HOUSE,
14*th January* 1856.

MINUTE BY THE HONORABLE W. ELLIOT,

I beg to express my full concurrence in the course proposed by the Right Honorable the President. It is clear that by the law, as at present explained, the executive Officers are powerless to proceed against the authors and abettors of the crime of the 11th September. Under the opinions of the Magistrate and Joint Magistrate, the former an Officer of calm, sound judgment, the latter of great experience in Malabar; the evidence collected by Mr. Collett cannot be brought forward in open Court with any hope of the witnesses daring to adhere to the statements they have made before the Special Commissioner.

The only mode by which it appears to me possible to get over the difficulty is, to apply for an Act declaratory of the scope and powers of Act XXIII of 1854, by which it shall be made applicable to the specific crime which led to its being proclaimed, and to all parties who were accessories to that crime. I observe in the *Friend of India*, received this morning, that such a course is not without precedent. In the course of last month, Bills for the punishment of persons engaged in the Sonthal rebellion were prepared and laid before the Legislative Council. On the 22nd December the Standing Orders were suspended and the Bills became law. They provide ample powers for dealing with all persons engaged in the late rebellion. When an emergency, sufficiently grave, arises, therefore, it appears to be possible to provide for it by an *ex post facto* law. I think it will not be denied that a case of emergency has been made out for the province of Malabar. The ordinary law is useless. The extraordinary law will not work. But in this instance a declaratory enactment will not be an *ex post facto* law. Act XXIII of 1854 was fully published and made known with the most scrupulous care to all the inhabitants of Malabar as soon as it was passed. Every one believed it to be in force, until a technical objection was raised founded on the wording of the Act. Even if this construction is in accordance with

Digitized by Google

the intention of the framers of the Act, that intention was not understood by this Government, by the executive Officers, or by the people generally. There can, therefore, be no objection (if the exigency of the case be admitted) to obtaining such a declaratory Act as is required.

14*th January* 1856. (Signed) W. ELLIOT.

MINUTE BY THE HONORABLE SIR H. C. MONTGOMERY, BART.

The proposed application to the Government of India and the Legislative Council, to relieve this Government from the very serious difficulty in which it is placed by the construction which has limited the operation of Act XXIII of 1854, to events subsequent to the date of the Proclamation declaring it in force, has my full support. Unless some means are adopted for bringing to justice those implicated in the murder of the late Collector and Magistrate, and for proving to the Moplah population the power of the Government to punish and prevent such grave offences, the lives of the Officers of Government, both European and Native, are not secure in Malabar, and the most disastrous consequences are to be apprehended.

(Signed) H. C. MONTGOMERY.

I concur fully.

14*th January* 1856. (Signed) G. ANSON.

No. 36.

JUDICIAL DEPARTMENT.

Extract from the Minutes of Consultation, dated 14*th January* 1856.

Read letter from Magistrate of Malabar, dated 24th December 1856, with enclosure from Joint Magistrate.

Read letter from the same Officer, dated 3rd January 1856, No. 35.

Minute by the Right Honorable the President. (Here enter 14th January 1856, No. 56.)

Minute by the Honorable Walter Elliot. (Here enter 14th January 1856, No. 57.)

Minute by the Honorable Sir H. C. Montgomery, Bart. (Here enter 14th January 1857, No. 58.)

Resolved that copies of the above letters be forwarded to the Government of India, in continuation of the communication to their address of the 22nd ultimo, as also to the Member for Madras of the Legislative Council.

Digitized by Google

Resolved also, that the Magistrate of Malabar be directed to suspend proceedings under the ordinary law or before the ordinary Courts against persons concerned or suspected of having been concerned in the murder of the late Mr. Conolly, until he receives further instructions from Government.

Resolved likewise, that Mr. Collett be directed, through the Magistrate, to submit to Government, with all possible expedition, the report referred to in the concluding paragraph of his letter; as also that on the five persons alluded to in paragraph 11 as having been guilty of offences punishable under Act XXIII, 1854, subsequently to the issue of the Proclamation of 18th September last.

Should Mr. Collett have any preliminary report ready or nearly ready, he will submit it at once.

(True Extract.)

(Signed) T. PYCROFT,
Chief Secretary.

No. 37.

JUDICIAL DEPARTMENT.
14th January 1856.

From T. PYCROFT, Esq.,
Chief Secretary to Government.

To The GOVERNMENT OF INDIA.

SIR,—In continuation of my address under date 22nd ultimo, I am directed by the Right Honorable the Governor in Council to forward, for submission to the Most Noble the Governor General in Council, the accompanying copies of further reports received from the Magistrate and Joint Magistrate of Malabar, expressing their apprehensions of the results that may ensue, if the proceedings already taken under Act XXIII of 1854, against the parties concerned, or suspected of having been concerned, in the murder of the late Mr. Conolly, be abandoned, and those parties be left to be dealt with only under the ordinary law.

2. The circumstances disclosed in these communications have appeared to this Government to deserve the most grave attention, and the opinion of the writers derives great force from their character for official ability, and in the case of one of them, Mr. Collett, from his long and

Digitized by Google

intimate acquaintance with the Malabar District. These papers have satisfied the Government, that for reasons set out more at large in their Minutes, copies of which are forwarded, it is too late to recede, and that the proceedings taken against the Moplahs under the Act cannot be abandoned without perilling the peace of the country and the lives of the Officers employed in it, and without the risk of future and more desperate outbreaks, for the repression of which, even the extraordinary powers given by the Act, will not be sufficient.

3. The Government have directed Mr. Clarke not to proceed under the ordinary law or before the ordinary tribunals against any of the parties above referred to, until he receives further orders. They have also taken advantage of the visit to Madras of their Member of the Legislative Council to communicate with him on the subject, and have instructed him, as will be seen by the accompanying copy of their letter, to bring into the Legislative Council a declaratory Act to throw back the action of Act XXIII of 1854, in such a manner as to bring within its scope all in any way concerned in the late crime.

No. 38.

JUDICIAL DEPARTMENT.
14th January 1856.

From T. PYCROFT, Esq.,
Chief Secretary to Government.

To The HONORABLE D. ELIOTT,
Member of the Legislative Council of India,
for the Madras Presidency.

SIR,—I am directed by the Right Honorable the Governor in Council to forward to you the accompanying copies of letters from Mr. T. Clarke and Mr. Collett, Magistrate and Joint Magistrate of Malabar.

2. The previous papers connected with this subject are under transcription, and copies will be furnished you as early as possible. Meanwhile it will suffice to state that the Government having been advised by the Government Pleader that it would not be legal to give effect to Act XXIII of 1854, in respect of any offences of a date prior to the issue of the Proclamation of September 18th last, had instructed the local Officers to abandon proceedings under the Act, in regard to all offences of such earlier date, and to deal with them according to the provisions of the ordinary law and by means of the ordinary tribunals.

Digitized by Google

3. The views of the Magistrate and Joint Magistrate of the District, on the consequences to be apprehended from the adoption of this line of conduct, are forcibly stated in their present letters. The circumstances therein disclosed are of the most serious nature, and coming from Officers of high character, and, one of them, of most extensive and minute local experience, demand the most grave consideration. These papers have satisfied Government, that as more fully set out in them, it is too late to recede, and that a due regard to the peace of the country and the safety of the public Officers employed in it, imperatively demand that the original intention of Government of putting in force Act XXIII of 1854, against all implicated in the murder of the late Collector, should be carried out to its full extent. This can be done only by a declaratory Act, which should throw back the operation of Act XXIII of 1854, in such a manner as will admit of its reaching all concerned in the crime. I have therefore been directed to request that you will submit the Draft of such an Act to the Legislative Council.

You will observe that further and more detailed reports are promised by the Joint Magistrate in immediate charge of the inquiry. It will be open to you, if you should deem it advisable, to defer moving on the subject in the Council, until you are in receipt of those reports; but the Government need hardly remark that the effect of the measure now contemplated must greatly depend on the promptitude with which it is carried out, and that suspense is to be deprecated. In the same view the Government would hope that when the Bill has been brought before the Council, it may be pressed through the various stages with all practicable despatch as has recently been the case in the Sonthal Acts.

MADRAS, 14*th January* 1856.

From J. B. NORTON, Esq.,
Government Pleader.

To T. PYCROFT, Esq ,
Chief Secretary to Government,
Fort Saint George.

SIR,—I am of opinion that the Proclamation of the 18th September 1855, subjects all offences of a nature cognizable by Act XXIII of 1854 to the operation of that Act, whether such offences may or may not be connected with the murder of the late Collector.

Digitized by Google

I would crave, on any future reference, to be furnished with the reasons for any existing doubts: as it may very possibly happen that considerations which have forcibly arrested others may not present themselves to my mind, notwithstanding I might admit their cogency if I were made cognizant of them.

The present doubts, I presume, have arisen from the introduction of the 3rd clause of the Proclamation. But I conceive that the 1st clause having declared the Act in force it must attach to *all* offences. The Act provides (Section II) for the Governor in Council declaring only certain parts of the District under the Act, and also for the application of one or more or all of the provisions which follow; and by Section IX power is given to withdraw any part or parts of the District from the operation of the Act; but it is nowhere provided that, if the necessity for proclamation arises, it shall be lawful for the Governor in Council to except any class of *offences* from the operation of the Act.

This, I think, is conclusive; but on the general effect of the 3rd clause, I cannot see that it necessarily restrains the first. It speaks only of a special, "*rather*" than a general necessity; it nowhere professes to say that the Act is not to be applicable, if such general necessity should arise. Independently of this plain meaning of the terms used, I am of opinion, for the reasons above assigned, that it would be *extra vires* of the Governor in Council to seek to exempt *any* offence from amenability to the Act when once proclaimed.

No. 143.

FORT WILLIAM,
HOME DEPARTMENT—JUDICIAL.
18*th January* 1856.

From C. BEADON, Esq.,
Secretary to the Government of India.

To T. PYCROFT, Esq.,
Chief Secretary to the Government of
Fort Saint George.

SIR,—I am directed to acknowledge the receipt of your letter, No. 959, dated the 22nd ultimo, with enclosure, reporting the proceedings of the Government of Fort Saint George, on the introduction of the provisions of Act No. XXIII of 1854 into the Province of Malabar.

Digitized by Google

2. The Most Noble the Governor General in Council desires me to observe, with reference to paragraph 10 of your letter under acknowledgment, that as the unauthorized acts of the Magistrate, previous to the issue of the Proclamation, were confined to the mere burning of the bodies of Mr. Conolly's murderers, an act of indemnity will hardly be required.

No. 239.

POLITICAL DEPARTMENT,
29th January 1856.

From H. L. ANDERSON, Esq.,
Secretary to Government, Bombay,

To T. PYCROFT, Esq.,
Chief Secretary to the Government of Fort Saint George.

SIR,—In continuation of my letter, dated the 29th ultimo, No. 5,395, relative to the Moplah chief priest, Syed Fuzl, I am directed by the Right Honorable the Governor in Council to forward to you, for submission to the Right Honorable the Governor of Fort Saint George in Council, copy of a communication from the Acting Political Resident and Commandant at Aden, dated the 12th instant, No. 6.

No. 6.

POLITICAL DEPARTMENT,
12th January 1856.

From BRIGADIER W. M. COGHLAN,
Acting Political Resident and Commandant, Aden.

To H. L. ANDERSON, Esq.,
Secretary to Government, Bombay.

SIR,—I have the honor to acknowledge the receipt of your letter, No. 5,394, dated 29th December 1855, and to inform you that on a cursory inspection of the Records of this Office, I have been unable to trace any warning given by Mr. Haines to the late Mr. Conolly relative to Seyed Fuzl; time does not admit of my instituting a more searching one, but I will report fully on the subject by next mail.

2. I have already brought to the notice of Government, in my letter,* No. $\frac{159}{572}$, dated 14th ultimo, that Seyed Fuzl is one of the principal movers in the rebellion now prevailing in Arabia, and it was he who publicly struck the Governor of Mecca in the Cazee's Court.

* Accompaniment No. 1, being a letter from Mr. West.

Digitized by Google

ORDER THEREON, 14th February 1856, No. 152.

Communicated to the Magistrate of Malabar in reference to previous correspondence on the subject.

(Signed) T. PYCROFT,
Chief Secretary to Government.

No. 4.

CALICUT, 11*th January* 1856.

From T. CLARKE, Esq.,
Magistrate of Malabar,
To T. PYCROFT, Esq.,
Chief Secretary to Government, Judicial Department,
Fort Saint George.

SIR,—I have the honor to transmit to you, to be laid before Government, a letter dated 7th January 1856, but just received, from Mr. Collett, giving a review of the evidence procured relative to the movements of the convicts who murdered the late Magistrate.

2. This interesting resumé of his labors, which will enable the Government to form some opinion of the difficulties Mr. Collett has had to contend with in the inquiry he has so arduously and ably conducted, and of the desirableness or otherwise of deputing, as was proposed, a public Prosecutor to Malabar, has unavoidably and of necessity extended to a great length; I have therefore deemed it unadvisable, both on this account as well as to avoid delay, to burthen it with any remarks of my own.

CALICUT, 7*th January* 1856.

From C. COLLETT, Esq.,
Joint-Magistrate of Malabar,
To T. CLARKE, Esq.,
Magistrate of Malabar.

SIR,—As promised in my letter of the 31st ultimo, I have now the honor to submit a review of the evidence procured relative to the movements of the criminals,

1.—Valasherry Emálu,
2.—Puliyakunat Tenoo,
3.—Chemban Moidin Kutty,
4.—Vellatadayatta Parambil Moidin,
5.—Ossan Hyderman,

from the 4th August (the date of the escape of the four first) till the 17th

Digitized by Google

September, when they were shot. I regret the length to which this letter extends, but it will, I hope, be deemed unavoidable as I have to notice the events of six weeks in which a large number of persons are implicated, who appear to me either beyond a moral doubt guilty, or to rest under heavy suspicion, of having aided and abetted the criminals.

2. After despatching my letter of the 15th ultimo, it appeared to me that an abstract of what had been ascertained on this subject would probably be desired by Government, and I have, therefore, endeavoured to set forth as briefly as practicable the nature of the evidence forthcoming, the probability or otherwise of a conviction being secured on a regular trial before the Courts, and the degree of moral certainty there nevertheless may be of the guilt of the persons whom I have treated as prisoners. The abstract has been prepared as rapidly as possible, that this letter may be before Government, when they may be pleased to pass orders on the subject of my letter of the 15th ultimo. Some delay has arisen from my not having before had leisure fully to arrange and digest the papers in all the cases, I beg to enclose a sketch map on which the course of the criminals is shown. The survey plans which will illustrate several of the cases are not in a sufficient state of forwardness to be submitted.

3. On the 4th August the four criminals escaped from their working party and took a course due east from Calicut. There is no direct evidence of their movements on the 4th and 5th August, though it appears certain that they passed the Corongot and Poodiangady ferries on those dates, and some of the prisoners in the cases numbered 12 and 13 are implicated on that account. The next certain evidence is of their being seen, and one of them recognized, at different spots in the Valuvanad Taluk on the 6th August. From this course and from information (not amounting to evidence) it appears that they went from the Poodiangady ferry directly across the Ernad Taluk to Anakair, where the 1st criminal Valesherry Emálu resided, and whose house they are believed to have visited. If so, the visit must have been a very brief one, and occurred before the Police had received notice of the escape. The evidence of their movements on the 6th in Valuvanad does not implicate any persons for harbouring them, and traces them to a spot called Vellarampara, about two miles north of Angadipuram.

4. From Vellarampara, where the criminals were seen on the morning of the 7th August, they proceeded to the Pattikad *Desham* (sub-division of an Amshom or Parish), a distance of scarcely two miles;

Digitized by Google

and here they chiefly spent their time till the 16th August, or the day after the gang-robbery in the Tirootty Nambudry's house. They also visited the 2nd criminal Puliyakoot Tenoo's place of residence and one or two other Amshoms (parishes), finally leaving the Valuvanad Taluk on the night of August 20th, when they took along with them the 5th criminal, the barber lad Hyderman. In that interval the twenty persons named in the margin, all undoubtedly communicated with them, as did also probably all the prisoners in the Case No. 3.

CASE No. 1.

1. Cherriyath Coonhithu.
2. Kunnadikuri Poker.
3. Kumnathaparabil (alias Pulliyathakota Kudiyil) Parakote Chekoony.
4. Palliyagath Moidin Kutti.
5. Techiyoden Poker.
6. Kullidumbil Amánatha Thithiyuma, (female.)
7. Amánatha Yenoo.
8. Pulliyagath Veeran.
9. Do. Kunhalu.
10. Mukyast n Amanatha Ooni Moye
11. Kakattil Coonhi Moithutty.
12. Manjalangadden Coonhi Oonien.
13. Kunnadikuri Moithu.
14. Patuma, wife of Kunnadikuri Moithu.
15. Nyarathudiyil Coya.
16. Kakattil Coonhollen.
17. Manjalangadden Moidin.
18. Mukyasten Vemmulli Seyd.
19. Alpetta Syedutty.
20. Coymara, son of Alpetta Syedutty.

5. Of these twenty persons all except the 4th, 5th, 6th, 19th, and 20th prisoners reside in the Pattikad Desham, and omitting, perhaps on account of her being under the influence of her male relatives, the 14th prisoner, the wife of the 13th prisoner, and daughter of the 1st prisoner, all the rest are richly deserving of punishment; and I should, I believe, satisfy the Government that there is sufficient ground for convicting them all under Act XXIII, 1854. Many of these people are more or less closely connected with the criminal Tenoo, and others are his former companions in crime. Pattikad is a Desham or village circle, almost entirely inhabited by Moplahs; it forms a wide sort of valley shut in by ranges of hills, some of which are very lofty and covered with jungle. The 10th prisoner is a connection by marriage of Tenoo, and is the Mukyasten or headman of the Desham, and the 8th and 9th prisoners (a brother, and first cousin of Tenoo) are the other principal inhabitants, the rest being mostly men of no property. The 1st prisoner is connected by marriage with the 10th prisoner, and the 6th and 7th prisoners are also his near relations. This (the Amánát) family is a most disreputable one, and 7th prisoner is an old companion of Tenoo, and himself a very dangerous character. The criminal Tenoo had an intrigue with the woman, the 6th prisoner. The 19th and 20th prisoners are father and son, and are also related to Tenoo, the former being married to his sister. The members of this family are men of very bad character. One son is now in jail for a gang-robbery, to which, in the words of the 20th prisoner, " Tenoo took

Digitized by Google

him." Another son was concerned in the great gang-robberies in 1849, in which the fanatic Atan Kurikhal was leader; he took to the jungles, and was not secured till I adopted most stringent measures for this purpose. The 2nd prisoner is an old companion in crime of Tenoo, and the 13th prisoner is his brother. The 3rd prisoner is a nephew of Tenoo, and the 4th prisoner is Tenoo's elder brother. The 5th prisoner is a man of the worst character and an old comrade of Tenoo. I punished him for aiding Tenoo, when I last seized Tenoo, and also on account of his own bad character. He had been released shortly before the criminals escaped, and admits having tried to get security for Tenoo, and also another ruffian now in jail, on a requisition of security by me. He also, after his release, communicated with Tenoo and actually gave him some *Avla*, or parched rice, when he was out with a party of convicts working in Calicut. I have no doubt myself that both this man and the 7th prisoner would, if released, end their career in some fanatical outrage.

6. I have always reckoned the Moplahs of this and adjacent parts of Valuvanad to be, as a body, the wildest, most fanatical, and most criminal of the caste in Malabar, and some of the prisoners in this and the two following cases are very bad specimens of a bad set. Literally, in some Deshams from the Mukyastens downwards, there is not a man who has not been more or less implicated in gang-robbery, and cattle stealing—the favorite crimes—and without figure of speech they are all banded together against law and order.

7. On the present occasion, the Head Police Officer, again in the month of August, made known to the inhabitants of Pattikad the penalties of Act XXIII of 1854, and it is clear from the report of himself and his Sub-officer, that they, as well as the inhabitants, supposed that the penalties of that Act could be enforced at the time.

8. The evidence in this case is very scanty, and only proves the visit of Tenoo and his three companions to the houses of the 3rd, 6th and 7th prisoners. The case against the other prisoners depends on their partial confessions and mutual criminations. Some of the witnesses merely speak to having seen the criminals in the Pattikad Desham.

9. The following is a brief abstract of the case:—The 1st prisoner, before the Taluk Police, confessed that on Sunday night the 12th August, Tenoo came with three others armed and asked for food, which 1st prisoner refused to give. On the night of the robbery (15th) they came again, after the robbery, to his house and he fed them; and then became aware

Digitized by Google

of their intention to die as shahids or martyrs. He told the 10th prisoner, who desired him to say nothing. Before me he denied the latter part and only admitted the visit on Sunday the 12th August. The 11th prisoner is a brother-in-law and near neighbour of the 1st prisoner, and says, that on the evening of the 16th August he saw and conversed with Tenoo and the three others at the house of 1st prisoner. He is also a nephew of the 10th prisoner. On the evening of the same day the 12th prisoner, a next door neighbour, says, he also saw the criminals at 1st prisoner's house, and he told the 10th prisoner of it the next day, who, as also the 1st prisoner, desired him to hold his tongue, the latter giving him a quarter of a Rupee to do so. The 11th prisoner pretends he did not at the time know that Tenoo had escaped from jail, but thought he had been released. The only truth in the statements of the 11th and 12th prisoners is that they communicated with the criminals at 1st prisoner's house; the brief, accidental, and somewhat innocent nature of the interview is of course fictitious. The brother of the 10th prisoner is married to a daughter of one of Tenoo's brothers. He denied that 12th prisoner ever told him anything, and gives a very suspicious account of the admission, at length, made by the 1st prisoner to himself, that the criminals were in his house on the 15th August, which 10th prisoner was clever enough to communicate to the Sub-officer soon after the latter had otherwise ascertained the fact. Though the statements, relationship, position of the abodes, and characters of these four prisoners, could leave no moral doubt that they communicated with and were cognizant of the designs of the criminals, it would be useless to admit the 11th and 12th prisoners as approvers, because even if their evidence (if true) would be sufficient, all the minor details of their statements are probably false.

10. The 2nd prisoner admits that one day before dawn the criminals came to his house and inquired about the 8th and 9th prisoners (Tenoo's relations), and then went away again, and that he saw them again on the same day at 3rd prisoner's house, when Tenoo desired him (2nd prisoner) to go to 9th prisoner to bring what he might send; but that he did not do so. The 13th and 15th prisoners state that on the morning of the 14th August, before dawn, the criminals came to 2nd prisoner's house, but the conversation, as described by them, was longer and different to that stated by 2nd prisoner. The criminals were, they state, also supplied with food. The 13th prisoner is brother of 2nd prisoner, and 15th prisoner is a near neighbour. The 14th prisoner, wife of 13th

Digitized by Google

prisoner, made a fuller statement before me ; but both in the Taluk and before me, stated that the criminals came in the early part of the night. She also, before me, added that they partook of food and had a very long conversation with the men, from which she gathered that the criminals had escaped from a working party of convicts, that they had stayed *three* days in the 1st prisoner's (father of 14th prisoner) house, and that they intended to murder some " principal persons" and die as martyrs.

11. The 3rd prisoner, and his wife the 1st witness, state that early on the morning of the 14th August, the criminals came to their house and desired to be admitted, but were at first refused. After they gained admittance they insisted on staying during the remainder of the day, said they had stayed the day before in 2nd prisoner's house, but on account of an investigation into a quarrel which he had had with a neighbour, could stay there no longer. During the day 2nd prisoner came and remained in conversation with the offenders. Tenoo is maternal uncle of 3rd prisoner. The 3rd prisoner stated before me that the criminals mentioned to him how they had escaped from jail, and that being unable to endure further imprisonment they intended to murder the Muppen (chief) Sahib (*i. e.*, the Collector) and die as martyrs, and that they had come there with the hope of getting 7th prisoner to join in accordance with an old agreement between him and Tenoo. They had two war-knives with them, one of which (the brass-mounted knife found on the criminals) he recognized as the one he had seen in 7th prisoner's possession. The next day, Wednesday (15th), 3rd prisoner went to 7th prisoner's house, where he again saw the criminals and the 2nd and 7th prisoners talking together. The 1st witness did not, she says, overhear the conversation of 2nd and 3rd prisoners with the criminals. The 2nd and 3rd witnesses (poor Hindoos) speak to having seen the criminals in 3rd prisoner's garden on the morning of August 14th before they were admitted inside the house.

12. The 4th prisoner is a brother of Tenoo, and lives in an adjacent parish. He denies all knowledge. There is no evidence against him. There is nothing against him except the fact of his relationship and near neighbourhood. Of course he could not be committed. There is no reason to doubt that he must have seen Tenoo, who was, thus, for days in his neighbourhood, and communicated with all his other relatives.

13. The 5th prisoner also could not be committed, as there is nothing against him beyond his own extremely bad character and his

Digitized by Google

former companionship in crime with Tenoo, strengthened by the fact of the active sympathy (mentioned before) which he displayed after his own release and the circumstance shown in Case No. 3, that the criminals found shelter between the 16th and 20th August in the same parish as that in which 5th prisoner resides.

14. The 6th prisoner admits that she was visited one night by her former paramour Tenoo, who was accompanied by three others. The 10th witness, who was in her house, and is married to her step-daughter, corroborates her statement, though it is clear from him that she gave the offenders a much more friendly reception than she admits. The visit was clearly to the 6th prisoner, who was well aware they had escaped from jail; it is perhaps true (as stated by 6th prisoner and 10th witness) that the latter (a young man) was taken out by the criminals and made to swear that he would reveal nothing, and threatened by Tenoo if he did.

15. The 7th and 18th prisoners were (as I think unwisely) employed by the Head Police Officer in inquiring about the movements of the criminals. The 6th prisoner says, that the next day (and the 18th prisoner admits that on a day before the 15th August) she told the 18th prisoner of the visit she had had. This the 18th prisoner never reported to the authorities, but says, he sent 7th prisoner to do so, and that on the 16th he reported it to the Hindu Adighary of Melatur (which the latter asserts is false), while he allows that he omitted to tell the Head Police Officer on the 17th, when he had a good opportunity, because, as he says, he was afraid the 6th prisoner should deny her having told him. This contradictory, false and absurd explanation convicts the 18th prisoner of having concealed information of the movements of the criminals.

16. The 7th prisoner denies the charge; but is criminated by the 3rd prisoner, and this man's recognition of one of the war-knives as 7th prisoner's property, it will be seen from the evidence in the following case, is no doubt correct. The 12th witness, a young woman, a niece of the 7th prisoner, speaks to her having had occasion to go to 7th prisoner's house one day about this time and then recognized Tenoo upstairs, and to her having been desired by 7th prisoner to say nothing about having seen him.

17. There is no direct evidence against the 8th and 9th prisoners; but the evidence of the 4th and 5th witnesses proves that the criminals were seen in the immediate vicinity of their houses and going by a road that led to them; and the statements of other prisoners show that they

Digitized by Google

were harbored in houses very near their's. The 2nd prisoner also states that the criminals inquired for 8th and 9th prisoners, and that the 9th prisoner came to his house to ask where Tenoo was, while Tenoo sent him (2nd prisoner) from 3rd prisoner's house with a message to 9th prisoner. The 8th and 9th prisoners were also employed by the Head Police Officer in his inquiries while the criminals were at large. Of course they only hindered his inquiries, and ultimately he was convinced of this. But still this fact adds to the case against the prisoners, as they were thus individually and specially warned to give information and pretended to make inquiries. There can of course be no doubt that they were fully capable of giving information, as there is from their relationship and characters, and the movements of the criminals, no possibility of doubting that they were in constant communication with the criminals themselves.

18. The matter against the 10th to 15th prisoners has been already given. The 16th prisoner is a brother of the 11th prisoner and lives in the same house, which is quite close to that of the 1st prisoner, who is their brother-in-law. The 10th prisoner is also the uncle of 16th and 11th prisoners. The latter admits having seen the criminals in 1st prisoner's house, and 16th prisoner admits that he learnt from 11th prisoner and 1st prisoner that the criminals stayed in 1st prisoner's house, and that he neglected to give information to the authorities. From the position of his residence and his relationship to the other prisoners, there cannot be a doubt that he was fully aware at the time of their movements. There would be no ground to commit him for trial.

19. In like manner the 17th prisoner is the father of the 12th prisoner, who saw the criminals in 1st prisoner's house. The house of the 17th and 12th prisoners is only fifty yards from that of the 1st prisoner, and though his guilty knowledge of the movements of the criminals cannot be doubted, no proceedings could be taken against him.

20. The 19th prisoner is the brother-in-law of Tenoo, and 20th prisoner is his son. They reside in a Desham adjacent to Pattikad, and in that Desham there can be no doubt the criminals were harbored by another relative.* There is no evidence against the 19th prisoner, and the ground for suspicion against him (of the correctness of which I have myself no doubt) is the fact of his relationship, the vicinity of his abode, and his own bad character. The 10th prisoner also asserts that while in custody with 19th prisoner the latter told him of the arrangements that had been

* 1st and 4th prisoners in Case No. 3.

Digitized by Google

made by himself and Mallachek (4th prisoner in Case No. 3), for the circumcision and marriage of Tenoo's children. The 19th prisoner denies this conversation, and says, that all he knows he derived from the 9th prisoner, who told him of where the criminals had stayed. The 20th prisoner denies all knowledge. He also was employed by the Head Police Officer to make inquiries, and of course could have most readily learnt everything. There is some evidence in Case No. 3 of his having communicated with the criminals on the night of August 18th, but I cannot say that the evidence appears to me deserving of much confidence. His place of abode, relationship, and character, coupled with the fact of his having been specially in search of the criminals, render it quite incredible to me that he would have failed to communicate with them.

CASE No. 2.
1. Amanat Enoo
2. Amanat Uni Moyi.

21. In the next case, the 1st and 2nd prisoners named in the margin, are the same as the 7th and 10th prisoners in the above case; the object being to prove that the knife found in possession of the criminals, when shot, was the property of the 1st prisoner; the case has been separated, and the 3rd prisoner in the above case examined as 1st witness in the present one. The 1st witness, when examined as 3rd prisoner by the Head Police Officer, stated, that when the criminals came to his house on the 14th August, he saw in Tenoo's possession a war-knife which he recognized as the property of the 1st prisoner. On his being seized and questioned as to his having any war-knife, he admitted that he had not given up a knife which was broken, and which he subsequently threw into a tank where, on search, a broken knife mounted in iron was found. In the house of the 1st prisoner was also found the leather sheath of a war-knife.

22. The 1st witness identified the brass-mounted war-knife (with which the murder was committed, and which was found in the possession of the criminals when shot) as the one which he had formerly seen in 1st prisoner's possession. The 2nd and 3rd witnesses' neighbours, and with means of knowing it, also identify the weapon as having been the property of 1st prisoner. They also state that the 1st prisoner had formerly an iron-mounted knife, but latterly this brass-mounted knife; and the 2nd witness further states, that the 1st prisoner told him that shortly before Tenoo was last apprehended by me, he gave this brass-mounted knife to 1st prisoner in exchange for his (1st prisoner's) iron-mounted one. The 4th witness (a blacksmith) recognizes the broken knife found

Digitized by Google

in the tank as the one he made some years ago for the 2nd prisoner; and the 5th witness (an occasional servant of 2nd prisoner) also declares that the broken knife belonged to 2nd prisoner.

23. The 1st prisoner states that the broken knife was accidentally broken years before the Act against these weapons was enforced; that he then gave it to a blacksmith to mend; that he died, and 1st prisoner got the broken knife back from his relatives and threw it into a tank, as the Act had, in the meanwhile, been enforced. The 7th, 8th and 9th witnesses, the relatives of the deceased blacksmith, wholly contradict these assertions of the 1st prisoner, and it is a physical impossibility that the knife could have been broken by a fall from a height of 8 or 10 feet as described by 1st prisoner. The knife is broken clean across the blade, and from the fracture it would appear as if it had been first bent one way and then bent violently in the opposite direction and so broken.

24. The true explanation appears to be that when the evidence as to the brass-mounted knife was first obtained from the 1st witness, to avert the suspicion of the more serious crime against the 1st prisoner, the 2nd prisoner gave him his own iron-mounted knife, which was purposely broken and thrown into the tank; the 1st prisoner of course intending that it should be found, and to confess that it was his. If he was so afraid, he would argue, that he even took the trouble of getting back his old broken knife from the blacksmith that he might throw it away into a tank for fear of being involved in trouble; of course he would not have kept the brass-mounted knife, much less have given it to a criminal like Tenoo.

25. The 6th witness indeed states that the leather sheath found is the one he made years ago for the 1st prisoner, who had then an iron-mounted knife; but there is no peculiarity whatever in it, and I consider it quite incredible that he could recognize such an article after the lapse of several years. Besides the broken knife fits to this sheath, and I expect that it belongs to it, and was more probably kept in 1st prisoner's house on purpose to support the defence he and 2nd prisoner had manufactured for him.

26. There is the evidence of several persons who saw the criminals on the 6th and 7th August, that they had then no arms but a sword and a pistol, the same no doubt which they took from the Jail Peons. When they came on the 14th August to 1st witness' house they had two war-knives, two swords and a pistol.

Digitized by Google

27. It was on account of these prisoners, and more particularly the 2nd prisoner (a Mukyasten and the chief member of the family), being brought for the purpose of the search with hand-cuffs on, and so disgraced, that two of their brothers and two other Moplahs are suspected to have conspired to murder the Head Police Officer and the Sub-officer in revenge for the fancied disgrace and the efforts they were making to secure a conviction. This case of course comes under the provisions of the Act, and will be separately reported upon. The inquiry into this matter was attended with the discovery of two more war-knives.

CASE No. 3.
1. Panatodyil Kathir.
2. Chariyat Kungi Umma.
3. Her daughter Achuma.
4. Mulla Check.
5. Mulla Moidutti.
6. Palanikat Uni Owra.

28. Of the six persons named in the margin, the three first communicated with and harbored the criminals between the 15th and 20th August, and the three latter are under heavy suspicion of having aided them between the 7th and 20th August. The two females, the 2nd and 3rd prisoners, make full confessions the criminals visited and slept in their house on three nights after the robbery on the 15th, with an interval of one night between the first and second visit; they are not certain of the dates; but, as it is certain that on the night of the 20th the criminals took away with them from his house the 5th criminal, the barber lad, and he did not come to the 2nd and 3rd prisoners' house, the dates of the three visits were probably the nights of the 16th, 18th and 19th of August. Further, on the evening of the 19th, the four criminals took their supper at the house of the barber lad, and then left it. Their third visit to the house of 2nd and 3rd prisoners was not till late at night, and they did not, as on the former occasions, have any rice cooked for them. They are stated to have on their first visit arrived at about 8 P.M., accompanied by 1st prisoner. In the preceding case the 11th and 12th prisoners state that about that time, on the 16th, they saw them at the house of the 1st prisoner in that case, the distance being several miles. This apparent discrepancy may arise from the looseness with which Natives speak about time, especially at night or from a mistake as to the night on the part of the 11th and 12th prisoners, for the 1st prisoner in that case confessed in the Taluk that the criminals came to his house after the gang-robbery, that is on the 15th, or morning of the 16th.

29. The 1st witness in this case is a lad, the son of the 2nd prisoner. He corroborates the statements of his mother and sister that the 1st prisoner came with the four criminals on the first night, that he desired the 2nd prisoner to cook food for them, and gave her 3 Rupees to

Digitized by Google

purchase provisions with. The 1st prisoner also slept there and before dawn left with the criminals, desiring that provisions should be in readiness as the men would come again. The four criminals came again on the night of the following day, took rice, and slept there. The next day the 2nd prisoner left home to go to a relative's house, but in the course of the night of that day, the 2nd prisoner and 1st witness were again aroused by the four criminals who passed the remainder of that night there. The 3rd prisoner is a young woman of loose character who has been married, but is now divorced. She admits having prostituted herself on each night to the four criminals, who gave her 5 Rupees on this account. The 2nd prisoner admits that she was at the time aware of this fact. It is clear the 1st witness, the boy, did not know of it till the third night, and the next day he went and told his father (2nd witness), who was working at a spot of jungle land he was reclaiming some miles off.

30. Both the 1st prisoner and the criminals told the 2nd and 3rd prisoners that they were the men who had escaped from jail, and the 2nd and 3rd prisoners also admit that the criminals fully revealed their designs to them, stating that they intended to murder the Collector and die as shahids, because he had compelled the Tangul to leave the country, and also because he had renewed the order for their own imprisonment.

31. The 4th prisoner is father of the 1st prisoner, and is a first cousin (or as the natives style it a brother) of the criminal Tenoo. He lives in a Desham adjoining Pattikad. The ground for suspicion against him is that the 2nd and 3rd prisoners state that the criminals told them they had spent one day in 4th prisoner's house. Some of the prisoners in the preceding case also state that they *heard* that the 4th prisoner was one of those with whom Tenoo had arranged about the marriages and circumcision of his children. I allude to this, because with such men as those prisoners what they will only admit as hearsay knowledge, is pretty sure to be really the result of direct personal knowledge. The relationship and bad character of the 4th prisoner, coupled with the conduct of his son, render the suspicion against him a very probable one.

32. The 2nd and 3rd prisoners also state that the criminals told them that they had had the assistance of the 5th prisoner in their movements, and that their escape from jail was in conformity with an agreement with him. The 5th prisoner had long been in jail with them and had been released on security only about a fortnight before they escaped. It is very probable that he may have arranged and communicated to them a place for immediate refuge on escape, and this may account for their

Digitized by Google

having taken so singular a course through the Calicut Taluk, through a part of the country before unknown to them, and to their having been at once ferried across one ferry by the 1st prisoner in Case No. 13, and over another (as there is some reason to believe) by, or with the connivance of, the 1st, 2nd and 5th prisoners in Case No. 12. The 5th prisoner, Mulla Moidutti, I have known personally for years; he is by far the cleverest and most incorrigible leader of gang-robberies among the many bad characters of the Valuvanad Taluk.

33. The ground for suspicion against the 6th prisoner is similar, viz., the statement of the 2nd and 3rd prisoners that the criminals told them they had passed the night intervening between their first and second visit at the house of 6th prisoner. This man resides in the same Desham as the 1st and 4th prisoners; his wife is also a distant connection of the criminal Tenoo. I am not certain of the precise distance between the houses of the 2nd and 6th prisoners, but they cannot be more than a few miles, and the nature of the country is such (hills and jungles) that the passing to and fro would not be hazardous. The visit to the house of the 2nd prisoner were, it is clear, chiefly on account of the character of the 3rd prisoner. The 2nd witness (husband of 2nd prisoner and father of 3rd prisoner, and 1st witness) most probably did soon learn the facts from the prisoners; but he was certainly absent from home at the time, and might not have been told.

34. The house of the barber lad is about five miles north of the house of 2nd and 3rd prisoners. His only relative is his mother. She states that one night four strange Moplahs came and asked her to cook rice for them, which she did, and then left after eating it. The next night the same men came again and desired her to cook rice again for them which she refused, as she said she had none; they then desired that her son (the fifth criminal) should go with them to show them the way as far as "the new public road." They took her son away and she never saw him again. Though it is difficult to believe that this is the whole truth, no notice need be taken of her conduct, the poor woman gave information the next day to the village authorities, and she followed into the Shernad Taluk in the hope of recovering her son.

35. The road above alluded to runs due east and west passing through a gorge in the Pynad hills which are connected with the large Pandalur range. The distance they would have had to travel to reach this range was probably not less than fifteen miles. Three or four miles

Digitized by Google

more would bring them to Anakair, a place on the borders of Ernad and Valuvanad. Here the relatives of the criminal Emalu resided. There is the evidence of some Chermurs (slaves) who, while watching the crops, saw him and some others before dawn, when he inquired from one of them if the peons were watching about his house. The slave told him he heard they were. There is some reason to believe that they visited the house of one relative in Palliprom in Valuvanad, and that of another in Irambury in Ernad, a few miles further west; but the evidence is not to my mind satisfactory, and as I doubt whether I could make any recommendation on the strength of it under the Act, it would be insufficient to authorize a committal, and need not be now detailed. They were certainly compelled to use great caution, as besides the Police who were actively on the look out, an influential Moplah of Anakair (who went in fear of his life from Emalu and kept a guard) also employed persons to gain information. The population of Palliprom and Irambury consists chiefly of Moplahs, among whom are many bad characters, and they are generally a very fanatical set.

36. Early on the evening of the 23rd August, they were seen by slaves and Hindus on the Urote hills, a large and lofty range greatly covered with jungle, partly in the Shernad Taluk. One of the number came down and purchased a supply of avla (parched rice beaten out), which would suffice for the day time. They remained concealed during the day in the jungle, and towards evening descended and struck across country to the house of the prisoner named in the margin. He is married to one of the sisters of the 3rd criminal Chemban Moidin Kutti, who belonged to Shernad. Here they arrived (a distance of six or eight miles from the Urote hills) after night-fall, took some food and left after a halt of three or four hours. The prisoner and his wife admit the visit, which is also proved by the evidence of a neighbour who saw them going to the house, and shortly afterwards went there and ascertained who they were, and stayed there till they left. Strictly speaking he ought also to be treated as a prisoner, as he omitted to give information; but it is very possible that he may not have known of their designs and only regarded them as persons who had escaped from jail. Though the prisoner did not, I am inclined to believe, very strongly sympathize with the criminals, he certainly received and fed them, and neglected to give information as he was bound to do.

CASE No. 4.
Karambil Kungi Kammad.

37. After they left this house, I have not the least doubt from considerable inquiry I have made, that they went to Vengerra, three or

Digitized by Google

four miles further. Here lives the mother of the criminal Chemban Moidin Kutti with whom he used to live. An influential Moplah of this place was the former master of this criminal, first delivered him and two others up for conspiring (as they certainly did) to murder a Hindu peon, and again aided in his capture on a former escape. Fear of this man prevented their daring to go direct to the house of Moidin Kutti's mother, which is near his. But they went to the house of the first person, noted in the margin. From here the second person went and fetched the criminal's mother. They stopped an hour or so and then left for Kodavayur, five or six miles off, where another married sister of the criminal lives. The first named person is a half-brother of the criminal Chemban Moidin Kutti, and the second is a near neighbour.

1. Vakatta Moidin.
2. Tomangaden Kungan Moidu.

38. Of this visit to Vengerra, I have no doubt at all, though I have been quite unable to get any direct evidence, still I feel so sure of the correctness of my information that in enforcing the Act, I would recommend the above two persons being treated as others who are under heavy suspicion of complicity. I do not in the least doubt the loyalty of the rich Moplah alluded to, who would, I am sure, have seized the criminals if he had known of it at the time. Native like, he has, though I think from fear, adopted the crooked policy of ignoring the visit altogether, and his influence has I suspect been against my gaining direct proof. The supineness, or worse, of the Police has also been against me. Till I could pay a personal visit to the Taluk, not the slightest evidence was procured of the criminals having passed through the Taluk, and the idea was ignored by the Tahsildar.* Partly on account of his negligence in this respect, and partly on account of the opportunity having been taken to levy contributions in his name at least, he is now under suspension.

* A Nair.

39. The sister of the criminal admits that they came to her house in Kodavayur early on the morning of the 24th August, but asserts that they left almost immediately. This is, I believe, quite false; her daughter (a child) states that they stayed all day; and the child of a neighbour, who went to the house to play with the latter, corroborates this statement. The tender age of these children would not render it advisable to make them witnesses in a Court. Further, it appears certain that her husband* was present on that day, and as the woman may have some ground for pleading that she was

* Cholakal Moidin.

scarcely a free agent, I would not in any case advise her being punished. Her husband might be justly treated as a person under suspicion of complicity; but nothing further would be practicable.

CASE No. 5.
1. Tarumel Kungi Coya.
2. Mukri Atoly Uniyen.

40. From Kodavayur, on the evening of the 24th August, they proceeded to Mambratta, the tomb of the great Tangul near the town of Tiruvangady. The distance is about six miles, and they arrived about the time of the yessar prayer or 8¼ P.M. In this, Case No. 5, there are two prisoners named in the margin. The first is a priest of some reputation though possessed of little or no property. His eldest son was one of the principals in the great outbreak of 1849, and it will be seen below that on the 30th August the offenders visited the house of his married daughter at Mambra* in the Betutnad Taluk, and the 1st prisoner also, soon after that date, visited his daughter, and, there can be no room to doubt, became fully aware of the offenders' visit there. That the offenders would omit to visit the tomb of the Tangul at Mambratta, I knew to be extremely improbable. In examining a child who lived in the house of the daughter of 1st prisoner, he incidentally stated that the offenders had mentioned their having been to the tomb of the Tiruvangady Tangul. Suspicion was directed to the 1st prisoner—he, his young son, and a servant were apprehended. The son (a remarkably intelligent boy of thirteen or fourteen) made a partial disclosure to the Native Police; but in the course of a long conversation (which I conducted myself) I extracted from him that on the evening of the 24th August (the Hadjee feast day) as he and his father were praying near their house, his father was called away by some one; as he delayed returning, the boy supposing his father had gone to the tomb as usual, followed with the servant, there he saw him in prayer with five Moplahs, with whom he subsequently remained in conversation. They parted and returned home, when he gathered, from what his father told his step-mother, that they were the escaped convicts and were going to Poodiangady, and had determined to murder Mr. Conolly. The servant (a converted Cherman) corroborates the fact of the 1st prisoner, having been at the tomb with the five strangers.

* Case No. 9.

41. The 1st prisoner denies this occurrence altogether, but admits that on a day before the murder, the 2nd prisoner had mentioned to him that the escaped convicts had visited the tomb and that they had a design to murder Mr. Conolly. The 2nd prisoner admits the conver-

Digitized by Google

sation with the 1st prisoner at the time and place mentioned, though he at first attempted to tell two or three clearly false stories as to the source of his knowledge. At length he ended by saying that he accidently overheard some Moplahs (whom he did not know) saying so as he passed through the Tiruvangady bazar. The manner in which the 1st prisoner's son told his story was most satisfactory, not that he was a willing witness, but the contrary, and the truth was drawn from him in a manner most convincing to those who heard the examination, though it is impracticable to convey the impression on paper. The servant was a very unwilling witness, and if anything further was needed the manner of the 1st witness, whom I employed to induce the man to declare the truth, was so striking that it must have removed all doubts. I doubt extremely if either of these witnesses would stand the ordeal of the Courts. I am sure the second witness would retract. The 1st and 2nd prisoners make admissions which, though clearly not the whole truth, amount to the crime of a guilty knowledge of the design of the offenders. The probability of the visit is established by the incidental mention elsewhere derived from a witness with no object to invent it and scarcely the power.

42. The character of the 1st prisoner, the nature of his admissions, as also those of the 2nd prisoner, and the highly satisfactory manner in which the evidence was procured, leave me without a shadow of a doubt as to the guilt of the prisoners, both of whom I should recommend for deportation. The difficulty on the point of identity, if required to be proved before a Court, the age of the first witness, the fact that, if competent to be a witness, he is also legally liable as an accomplice, and the almost certainty of both witnesses retracting or modifying their testimony, would render the result of a trial very problematical.

43. I believe I have only brought out a part of the truth, and that the visit and designs of the offenders were perfectly well known in the place at the time or immediately after. This is I expect the true explanation of the 1st and 2nd prisoners' admissions.

44. The three persons in this case named in the margin, I should have recommended on account of the suspicion against them for a requisition of substantial security, or else to be deported for a limited period. The 3rd and 4th prisoners because the immediate vicinity of their dwellings to the tomb, and the fact that they were especially deputed to watch to prevent such a visit, and yet it took place and became generally well known, render it

CASE No. 5.
3. Odayikel Aliyassam.
4. Mannamel Howran Kutti.
5. Ponakaran Ahammed.

Digitized by Google

quite incredible that men of their influence and opportunities could have remained ignorant of it. The 5th prisoner is under heavy suspicion because he was met by the 1st and 2nd witnesses coming away from the tomb, and the 1st witness states that 1st prisoner at the time told him that he had been there. The 3rd prisoner is further the agent of the brother-in-law of the deported Tangul, who was sent out of the country along with him, but again returned and was deported in 1853. The 4th prisoner is also the agent of the Tangul and his family, and now resides and takes care of the Tangul's own house. Their knowledge of a general design, if it existed, would be a matter of course; and it is certain that, anyhow, when they learnt of the designs of the offenders, and their motive, they would never reveal it to the authorities. It is needless to observe that there is no ground for the committal of these three persons, though I feel convinced they richly merit coercion.

CASE No. 6.
Prisoners.
1. Parankil Marakar.
2. Choolanil, alias Thoorumbuth Marakar.
3. Kapankundil Marakar, alias Irumbully Marakar.
4. Parankel Chekoo.
5. Coonhy Coyah.
6. Appalakondyil Mamod.
7. Eddakaparambil Coyah Kutti.
8. Parankel Moidin Kutti.

45. From the tomb the offenders proceeded that night six miles towards Poodiangady to the house of the first of the prisoners named in the margin. There was some evidence offered as to their having visited the house of a man in the Tiruvangady bazar; but in this matter, I believe, the Tahsildar and Taluk Peshcar (both under suspension) greatly misbehaved, and as I am fully sensible of the grave responsibility of having to recommend any person to Government for punishment under the Act, I did not intend bringing forward a case in which I am not most completely satisfied as to the genuineness of whatever there may be against the accused. I pass on therefore to the case* noted in the margin.

* No. 6.

46. The offenders arrived in the house of the 1st prisoner at about 10 or 11 P. M., on the night of the 24th August, and stayed there till after dark on the evening of the 25th. On the 25th the 2nd prisoner (whose wife (4th witness) was at the time in 1st prisoner's house) arrived there for the purpose of taking home his wife who had been spending some days in her uncle's house, and on the same day the 3rd, 4th, 5th and 6th prisoners, who are neighbours, visited and communicated with the offenders; the 7th and 8th prisoners are relatives and inmates in the house of the 1st prisoner, and also communicated with the offenders.

Digitized by Google

47. The evidence consists of the statement of a young boy (aged ten), the son of the 1st prisoner, who describes the arrival of the offenders on the night of the feast day; their being fed and accommodated in the upper or principal room of the house; of the neighbours visiting them the next day; and of their departure after dark, after giving the 1st prisoner 10 Rupees and a cloth as a present. The 2nd witness is a slave living on the premises. He was a most unwilling witness, and only confirms the fact of five strange Moplahs having been at the house on the day after the feast.

48. The evidence of the 3rd and 4th witnesses I procured after three or four days' delay and in another part of the country. The 3rd witness is a boy who had accompanied the 2nd prisoner as a servant. He speaks to the fact of the five strangers having been in the house, and of their having been visited by the neighbours. The 4th witness is a niece of the 1st prisoner and wife of 2nd prisoner. She was a most unwilling witness, and became greatly affected in giving her evidence. She corroborates the arrival of the five strange Moplahs on the night of the feast day, and of their stay till the next evening, and their being well fed and lodged in the interval. She, as also the 3rd witness, state that they understood at the time that the strangers were the escaped convicts about whom proclamations were then out. The 1st witness also speaks to the men being armed on their arrival on the night of the 24th August. The 2nd and 4th witnesses have not stated all they know; but as far as it goes I have not a doubt as to its truth. There would be a certainty of their retracting before a Court; and the 4th witness at least is also legally implicated. The question of identity might too present a difficulty on a trial before a Court, though, from the above and other grounds, there can be no moral doubt on this point. The 1st witness is also a boy of tender age, and, though, I am perfectly satisfied as to the correctness of his testimony, the Courts might feel a difficulty on this account.

49. The defence set up by the prisoners consists (with the exception of 1st and 4th prisoners) of a simple denial unsupported by evidence. The 1st prisoner examined two witnesses to prove an alibi, but quite failed. The 4th prisoner admits having visited the 1st prisoner's house on the 25th August, and seen upstairs five strange Moplahs, but asserts that the 1st prisoner prevented his communicating with them. Before a Court this admission could only affect himself. I am convinced that Government would be satisfied with the grounds for convicting all the prisoners under

Digitized by Google

the Act, but the result of a trial in a Court would be extremely doubtful, or rather, I fully anticipate, that the case would break down.

50. From Nanambra the criminals proceeded to Poodiangady, the principal town in the Betutnad Taluk. On their way, it appears from the evidence of one witness, that they called at the Iyaram or tomb of a Tangul at Mambra, where it will be seen that they afterwards stayed on the 30th August.* The witness was a servant in the house adjacent to the Iyaram, and states that as she and the mistress of the house were sleeping (there being no one else but their children) they were aroused by knocking at the door, and some men saying they were Nercha-karkel (persons with a vow to perform). On opening the door five strangers were there, who gave half a Rupee, saying it was for lighting lamps at the tomb (an act of devotion), and that they were going to Poodiangady. After some conversation with the mistress† of the house they left. The witness recognized the criminals, who returned there four or five days afterwards, as the persons who had come at night and gone away.

* Case No. 9.

† 2nd prisoner in Case No. 9.

51. They must have thus reached Poodiangady before dawn on the 26th August. On the night of the 29th August they were seen passing through the Poodiangady bazar, and in this interval they stayed in the town of Poodiangady, and also visited Poratur, distant about six miles, where the second wife of the fourth criminal Vellatadagatta Parambil Moidin and other relatives were living. I have not succeeded in ascertaining all the details of their visit; but they certainly stayed for at least twenty-four hours (I am inclined to believe forty-eight hours) in the town of Poodiangady, at a house about 200 yards from the Taluk Cutcherry, and rather more than half a mile from the Tahsildar's dwelling house.

52. The list A annexed is of persons who, under the Act, should be treated as prisoners; and list B contains those who are under more or less serious suspicion of having communicated with the offenders on their visit to Poodiangady. The evidence against the prisoners would, I think, only authorize the committal of the 1st to the 4th prisoner. The 5th, 6th and 7th prisoners are criminated by the 2nd prisoner,

Case No. 7.
A.
Prisoners.

1. Carutha Kunjussa.
2. Pathuma, his wife.
3. Ambatt Pathuma, wife of criminal V. Moidin.
4. Ambatt Ayisha Umma, (female.)
5. Nalagatha Moidin.
6. Do. Pakey Cootty.
7. Do. Kamu.
8. Madatil Parambil Yacoob.
9. Madatil Parambil Kasmy.

Digitized by Google

B.
1. Hyderman.
2. Madatil Parambil Moidin Kutti.
3. Takan Hussan.
4. Velaverassan Routen.
5. Vadakara Bhava.
6. Tarapidikel Ahmed.
7. Pullakel Ossanar Mulla Mukri of the southern mosque.
8. Do. Enadin Kutti Mula.
9. Do. Kanen Cooty Mula.
10. Poodyil Ibrahim, owner of the southern mosque.
11. Audian Colangara Coonhally.
12. Do. Abdulachy.
13. Kalamaragat Hussain Cooty.
14. Chinnaparambil Mamy.
15. Valapel Coonhyan.
16. Koonathu Mamussa.

and though men of property are all bad characters, and the 6th prisoner especially was intimate with the criminal Vellatadagatta Parambil Moidin, and there is little reason to doubt concerned in the gang-robbery for which he was imprisoned. The criminal's father is also a dependant of these prisoners, as is also the 1st prisoner in list A. The conduct of the 5th prisoner on the night of the 29th August was most suspicious, and there can be no moral doubt as to the guilt of the 5th, 6th and 7th prisoners, though it would be quite useless to commit them.

53. The 2nd prisoner is wife of 1st prisoner, and aunt of the first wife of the criminal V. Moidin. She states that one night the 5th, 6th and 7th prisoners brought Moidin and four other Moplahs and desired her to prepare food for them, giving her a fowl, &c., for that purpose, and that she did so. She denies that they stayed in her house in the day time, but says, she believed they were in the mosque adjacent (about 60 yards off). The next evening the criminal's wife and her mother arrived at Poodiangady, and the five Moplahs also came to her (2nd prisoner's) house, when the criminal V. Moidin divorced his wife.

54. The 1st witness (aged fifteen) is a son of 2nd prisoner, but lives elsewhere. He twice during the day time saw his relation V. Moidin and four other Moplahs at the house of 1st and 2nd prisoners. They were armed. The 2nd witness is aunt of the criminal's wife, and one night was woke up by him and desired to go to Potanoor (eight miles off, just within the borders of Kootnad) and fetch his wife. She accordingly started in the morning and arrived with 3rd and 4th prisoners at 1st and 2nd prisoners' house in the evening, when Moidin divorced his wife (3rd prisoner). The 3rd and 4th prisoners confess, and the 3rd prisoner delivered up 19 Rupees, being balance of 20 Rupees given her by her husband when he divorced her. This delivery is also proved by 6th and 7th witnesses. The 3rd witness also, a boy, a son of 2nd prisoner, speaks to a conversation of 1st prisoner in which he mentioned the visit of the criminals to his house.

55. The parties 2 to 6 in list B state that they met the criminals on the night of August 29th in the town near 5th prisoner's house, when No. 2 recognized them and spoke to them. They immediately went

Digitized by Google

and told 5th and 6th prisoners, and after much delay 5th prisoner went with 8th witness to the Taluk Cutcherry and gave information, and accompanied the Duffadar and one or two Peons in a search. But the statement of the parties Nos. 2 to 6 differ very materially, and they have clearly not stated the truth. On the same night too it appears, from the statements of the 1st, 4th and 5th witnesses, that the criminals stopped (after having met parties Nos. 2 to 6) at 4th witness' house, and wanted her to open the door, which, she says, she refused to do. After that the 11th witness (a Peon) met them still further on near to 8th and 9th prisoners' house. He went and gave information at the Taluk Cutcherry. A search was made and the Peons had time to return to the Cutcherry and were there some time before the 5th prisoner came. According to their account it was not till two hours after 11th witness had reported his having seen the criminals that the 5th prisoner came. But besides this delay of two hours, the 5th prisoner instead of taking with him his son (the 6th prisoner), his own servants, and parties 2 to 6, and at once following the criminals by the public and direct road and rousing the bazar people (who would have at once obeyed the call of such a man) and thus readily capturing the criminals, took with him only his Hindu watchman, 8th witness, and proceeded by a circuitous bye-path to the Cutcherry, where he gave such information as induced the Duffadar to make the chief search by a different road to that which the criminals took. In this wild goose chase the 5th prisoner of course took an active part.

56. The only evidence against the 8th and 9tl prisoners is that of the 11th witness who met the five men (who were no doubt the criminals) near their house, when the prisoners were standing outside, so that they must have seen and recognized them. When asked at once by 11th witness who they were, they suggested that they were Caleefs (Moplah Fakeers and players) and would not answer any more questions.

57. No. 1 in list B is the father of the criminal V. Moidin, and took a part in the pretended search on the night of August 29th. Nos. 7 to 15 are suspected on account of Nos. 7, 8 and 9 being the Mukry and Mullas in the Iyaram and mosque near 1st and 2nd prisoners' houses, and they, as also the others, being near neighbours of those prisoners. The party No. 10 has also a joint right with 7th prisoner to the fees of the tomb and mosque; the 5th prisoner being also the head of the party to whom this mosque belongs. From the evidence in Case No. 9, it appears that the criminals stated they had performed a Nercha or ceremony at

Digitized by Google

this tomb. The fact is also mentioned in the anonymous warning sent at the time to Mr. Conolly, and which has since been proved to be generally correct. Party No. 16 is also criminated in this writing, and his connection with the 5th, 6th, and 7th prisoners, and general bad character, tend to support the suspicion against him.

58. I may mention that I have discovered the author of that writing. The person who caused it to be written was a very respectable Moplah woman of the town of Poodiangady. She derived her information partly from the 1st witness, who is a servant in her house, and partly from her son (who by her desire had it written and despatched), a young man of twenty-two years of age. He states that he overheard a conversation, in which two near relatives of 5th prisoner and some others were talking of the visit of the criminals and their design. I am not quite satisfied as to the truth of this. There can be no doubt, though, from the testimony of the 1st witness that their design was well known and openly talked about in the streets and bazars. Having ascertained that this woman had caused the letter to be written I went to her house; she, as well as her son, denied it at first. I took the 1st witness with me, and after some delay the woman admitted it, though she was clearly under great fear of the consequences. I have no doubt of the truth of her having caused it to be written, as well from her manner as from the source through which the information reached me.

59. If making recommendations under the Act, I have no doubt that I should be able to satisfy the Government as to the justice of punishing, at least, the prisoners Nos. 1 to 7 in list A; while of those included in list B, I could show such a degree of reasonable suspicion to exist against the majority as to authorize, if not their deportation, at least their being required to furnish substantial security for their future good behaviour. The punishment of such men as the 5th, 6th and 7th prisoners in list A is of the utmost importance.

Case No. 8.
1. Potumel Ally Ummoo.
2. Do. Umma Chuma.
3. Kallatil Marri Umma.
4. Beevee Umma, wife of 1st Prisoner.
5. Vetten Vittil Muppen Coonhy Moidin.

60. The five prisoners named in the margin reside at Poratur (mentioned above), six miles from Poodiangady. One night between the 25th and 29th August (I think most probably on the 27th August,) the criminals came during the night to the house, and the criminal Moidin then gave 46 Rupees to his mother (2nd prisoner), and 4 Rupees to his brother's (1st prisoner's) wife (the 5th prisoner.) He also gave 20

Digitized by Google

Rupees to his second wife (3rd prisoner), whom he divorced, and 3 Rupees to her mother, the 4th prisoner). The prisoners all confessed, and acknowledge that, from the men being armed and from what they said, they were aware that they intended to die as shahids or martyrs; but they were not, they state, aware of the design to murder Mr. Conolly, or of their motive for dying as shahids. They knew also that they were going to Poodiangady. Of the money received by 2nd and 5th prisoners, 5 Rupees and odd were expended, 4 Rupees were paid by 1st prisoner to 5th witness, and the remaining Rupees 40 and odd were delivered up from their house. Since the apprehension of the criminal V. Moidin on a charge of gang-robbery, the 3rd and 4th prisoners had been living in his mother's house; but after the divorce they returned to their country in the adjacent Taluk; and the 3rd prisoner gave the 23 Rupees to her uncle, the 6th witness. The only evidence is that of the 1st and 2nd witnesses to the delivery up by prisoners of the money, and of the 5th and 6th witnesses. The 3rd and 4th witnesses (two Moplahs) speak to having seen four or five armed Moplahs one night about this time at a spot not far from prisoner's house. There is also other evidence that five armed Moplahs were seen in this vicinity at night; but there is no precision as to date or identity. The deposition of the 1st prisoner (brother of the criminal V. Moidin) contains these words: "On inquiry, afterwards, I "heard that they (the criminals) were living at Poodiangady under the "protection of Nalagatha Moidin (5th prisoner in preceding case), and "his son Puckey Cootty (6th prisoner). It was in the Nalagatha family "that Moidin (the criminal) lived and grew up from his infancy. He "was from childhood a friend and companion of Puckey Cootty (6th prisoner) and his associates."

61. The next case is the Mambra and Tayyala bazar case, in which the fourteen persons noted in the margin are prisoners, and might all be satisfactorily convicted under the Act. After leaving the Poodiangady bazar on the night of the 29th August, the offenders proceeded to Mambra by the high road, a distance of about seven miles from Poodiangady. The tomb is called Mambra, and is that of a Tangul of local reputation; it is situated in a garden about 300 yards from the Tayyala

CASE No. 9.

1. Narakat putan vittil Syed Mahommed Coya Cootty.
2. Mambratta Beebee, daughter of Kungi Coya Tangul.
3. Tirunelly Veeran Cootty.
4. Vayakel Kotta Howran.
5. His son, Mamuny.
6. Vellakatary Enadin.
7. Kunhiren Kunnen Kamoo.
8. Chomayil Kungi Poku.
9. Mammy, husband of Kathi Yuma.

Digitized by Google

10. Veeran, son of Kotta Auran.
11. Mandayapurata Mamud Kutti Muppen.
12. His son, Veeravuny.
13. Ambra Markr.
14. P. Abdulla Coyah.

bazar, from one end of which it is clearly visible. The house of the 1st and 2nd prisoners is within the garden. The offenders arrived here on the night of August 29th, and stayed till 10 or 11 P. M. on the night of the 30th, being fed by the 2nd prisoner, and the 1st prisoner blessing their weapons at the tomb. On the 30th August the 3rd to 10th prisoners all visited the offenders at the Mambra tomb, and one of the offenders also came into the Tayyala bazar and played a game of "check" with the 7th prisoner at his shop. The 11th prisoner is a Moplah of great wealth and most unbounded influence in that locality. His house is only a few hundred yards from the tomb and the Tayyala bazar. The 12th prisoner is his son, and the Adighary or Headman of the parish in which the Tayyala bazar stands. The 11th prisoner is also married to a sister of the 5th prisoner in Case No. 7, and was, it is admitted, about this time constantly in the habit of going to his house in Poodiangady. There is therefore abundant reason to believe that he must have been aware also of the visit of the criminals to Poodiangady, and probably of their intention to visit Mambra. The 11th prisoner, notwithstanding his wealth, is a man of the very worst character, well known to the Police though never convicted. Much of his wealth has been acquired by his evil deeds; he was a noted coiner, has long been, and still is, an aider and abettor of gang-robbers, and a too successful forger. His son is quite a young man, but of a very bad disposition, promising to emulate his father. There cannot be a shadow of a moral doubt that both these prisoners were at the time perfectly aware of the presence of the offenders, and of their designs, which they openly proclaimed; it will, though, be impracticable to furnish legal proof of this. The character of the 11th prisoner is notorious, but incapable of very tangible proof, his unbounded local power rendering it quite an absurdity that he should have remained, as he asserts, in ignorance of such an occurrence till many days after the murder. The strong ground there is to believe that the 3rd prisoner (his domestic servant) was actually sent by him on purpose to communicate with the offenders; the utter incredibility that the 4th to 10th prisoners would have failed to give information to the 11th and 12th prisoners, the statement of the 8th prisoner's (inadmissible, though, in a Court against 11th and 12th prisoners), that the 12th prisoner was the next day fully informed of the occurrence by the 1st prisoner, all tend to establish a moral conviction of guilt,

Digitized by Google

though impracticable of proof in a Court. The only fact which remains to render more complete this conviction, and is capable of tangible proof, is that the 11th and 12th prisoners caused the 1st and 2nd witnesses to be removed to Travancore and concealed, in order to prevent their evidence being procured.

62. The 13th prisoner, from the situation of his house, must, without doubt, have been equally aware as the other bazarmen of this visit of the offenders. There is though, no evidence even to authorize his committal to the Court. The 14th prisoner is the father of the 1st prisoner; and, though there cannot be any moral doubt that on the second or third day afterwards he was fully aware of the visit and designs of the offenders, the single statement of the 1st witness to that effect would not probably be sufficient to authorize his committal for trial.

63. Similarly the 6th prisoner could not be committed as he is only criminated by the 4th, 5th, and 8th prisoners (who have made confessions more or less complete), whose statements could not in a regular trial affect him. The same rule would materially damage the case against the 7th, 9th, and 10th prisoners, as also the 11th and 12th prisoners, who also could not then be affected by the partial confession of the 3rd prisoner, admitting that he was employed by the 11th and 12th prisoners in concealing the 1st and 2nd witnesses.

64. The 1st witness is a poor woman gaining a precarious livelihood by begging and petty services. At the time of the offender's visit, she was serving in the house of the 1st and 2nd prisoners, where she then lived with her son (the 2nd witness), a sharp boy of 11 years, and a younger child. In a strict legal view, she is an accomplice, having aided in feeding the criminals and become fully acquainted with their designs. After the murder of Mr. Conolly became known, by the desire of the 14th prisoner she left with her children for Calicut. When returning from thence about the 23rd or 24th September, she was met by the 11th prisoner, who was on his way to Calicut; by his order she and her children were taken by the 5th witness (the private servant of 11th and 12th prisoners, and then with 11th prisoner as one of his bearers) back to Tayyala, where she was kept in the house of the 6th witness (also a servant of 11th prisoner) till about the 27th September; when, on the return of the 11th prisoner, he and the 12th prisoner caused the 5th and 6th witnesses to take her and her children to Eloor in Travancore to be there concealed by their near relative (the 9th witness). He refused, and the 1st and 2nd witnesses were concealed in Kodungalur

(Cranganore) in South Malabar, the 5th and 6th witnesses returning; whereupon the 5th witness and 3rd prisoner were despatched by the 12th prsioner to make a second attempt, in which they also failed, and were taken into custody on their return with the boy (the 2nd witness) who was to have been made over by them to his father.* A rhadary or passport written by the 12th prisoner was found on the person of the 3rd prisoner.

* Divorced from 1st witness.

65. The 1st witness proves the case against the 1st, 2nd, and 7th prisoners, and also the fact of concealment against the 11th and 12th prisoners. The 2nd witness' evidence is to the same effect, except that it does not touch the 7th prisoner. Neither of the 1st and 2nd witnesses were in a position to prove the visit of the bazar-people to the tomb. The 3rd and 4th witnesses are both young boys, and their evidence would prove that the 3rd, 4th, 5th, 7th, 8th, 9th and 10th prisoners communicated with the offenders at the tomb. The boys accompanied them to the tomb, but did not overhear the conversation.

66. It is obvious to remark that if the 2nd, 3rd and 4th witnesses are legally competent to be witnesses, they must legally be liable to be deemed accomplices. The circumstances under which I secured the testimony of these children render me perfectly convinced of its truth, but I doubt if, at the least, the 4th witness rightly understands the nature of an oath.

67. The 5th and 6th witnesses would prove that they were employed by the 11th and 12th prisoners to remove the 1st and 2nd witnesses, with the view of their being concealed. The question suggests itself whether, as they were well aware of the reason for so doing, they are not also legally accomplices. The 1st, 5th, and 6th witnesses will prove most unwilling witnesses from the necessarily great dread they have of the 11th and 12th prisoners.

68. The evidence of the 7th witness does not directly affect the prisoners; that of the 8th witness is of doubtful credibility, and relates to the fact of the concealment of the 1st and 2nd witnesses. The 9th witness was examined in Travancore, and might prove the facts given above. He is, though, a near relative of the 11th and 12th prisoners.

69. This case strongly illustrates the extreme difficulty there is in procuring anything like legal evidence. The parties least in fault are the women and children; from them I have almost always received

Digitized by Google

the first information; legally, though, they are either implicated or incompetent from want of age. In arriving at a moral conviction, the judgment is based also on the statements of the different prisoners which tell against each other. It is the system in use in every day life. It is that by which Thuggism has been put down. I expect the annals of Thuggism do not show an instance of more complete combination than the career of these five criminals proves among the Moplahs. I cannot occupy more space with details, but I am certain Government would, on a full review of the case, not hesitate to punish all these prisoners under the Act, though it is clear that some of them could not even be committed, while the legal objections to the sufficiency of the evidence, from its being that of accomplices or from the want of age in some, would (to say nothing of the risk or rather certainty of some of the witnesses qualifying their statements) render the conviction of the prisoners in a trial before a Court in the highest degree problematical. Besides these prisoners there are several other inhabitants of the neighbourhood of whose guilty concealment of information no reasonable being could doubt, but whose cases might be better met by the imposition of fines on the parishes in which the Mambra tomb and Tayyalla bazar are situated.

70. From Mambra the criminals proceeded to Manakil, a distance of twelve miles. They arrived, I think, on the night of August 30th, (but I have not been able to fix beyond a doubt the exact date) and stayed till 10 P.M. of the next day. The place is situated in one of the deep little valleys universal in Malabar, and is entirely inhabited by Moplahs. There is no bazar, but the houses lie thickly together in separate gardens on one side of the narrow paddy flat. There are two mosques, one an old one in bad repair, near which is the Iyaram or tomb of a Tangul; and a few hundred yards off and more, among the houses, is a substantial mosque.

71. Just as had been the case with Mambra and other places, there had been a strong rumour of the offenders having visited this place; indeed, when it was known that they were at Betutnad, the Hindoo inhabitants here took precautions. The native Police had failed to discover any evidence, though I think this was due to the want of energy on their part. As soon as I was able to do so, I visited the place.

CASE No. 10.

Prisoners:

1. Valiyaperambil Coonhally.
2. Pully Mukri Bhava Kutti.
3. Taratil Moidu.
4. Karambitoduga Coonhi Amu.
5. Kallatiltoduga Veeran.
6. Kallatilpadikel Mammuny.
7. Moseliaragath Coonhyally.
8. Vettarapara Syed Ally.

Digitized by Google

9. Koonatodi Cootty Seyd.
10. Mukri Howderman.
11. Vettaraparakel Mammu.
12. Pulath Pokur.
13. Moseliaragath Labuny.
14. Neddenparamben Mammed.
15. Kuttiparambil Mammu.
16. Otan Marakar.
17. Taratel Coonhy Ahmed.
18. Kunanjara Athesé.
19. Vellariparambil Coonhally.
20. Kutiparambil Howderman.
21. Taratel Coonhally.
22. Manakel Coyamu Mulla.
23. Kallatel Cherria Coonhally.
24. Taratel Mammed.
25. Pudukudi Coyamu.
26. Pandanhakara Moidu.
27. Mulla Hyder.
28. Moseliaragath Coonhally Kutti.
29. Valiyaparambil Coonhy Poker.
30. Mulla Coonhoker.

The evidence in this case consists of that of three Moplahs and one Hindoo woman; the thirty prisoners noted in the margin are implicated thereby. The men of the place were first closely cross-examined, but without result, except that two (the 2nd and 3rd prisoners) betrayed a good deal of confusion. I then suddenly ordered all the women and children in their houses to be brought. I questioned two women in vain, and the third (the 1st witness) also at first denied all knowledge, but gradually becoming very confused and agitated, I felt no doubt that she must have something to conceal. She is the wife of the 3rd prisoner, whose duty it is to look after the Iyaram or tomb. After a most patient and tedious examination, I extracted from her that the five criminals had been brought late at night by the 2nd and 6th prisoners to her house, that they, by her husband's desire, were fed and allowed to stay there for the remainder of the night, but left at dawn to conceal themselves (as she heard) in the jungly hill behind the Iyaram. During the day she was furnished with materials, and prepared food, and the cakes used at a Moplah feast. In the evening the men returned and took some food, and afterwards went to the tomb, where prayers and the feast took place. She could or would only recollect the names of the 1st to 4th and 6th to 11th prisoners as having been present at the tomb. After this was over, the men with the criminals went to the lower mosque for the yessar prayer, and then the five returned for a short time to her house and finally took leave and departed. Nothing could exceed the unwillingness of this witness. She endeavoured to slur over and conceal every incident. For instance, the presence of others at the tomb was detected by her in answering another question accidentally dropping the name of the 1st prisoner (the principal man of the place) and then hurrying on with her story. She was of course caught up and pressed on this point, and after much fencing the truth was extracted. Nothing could be more convincing than the manner in which this testimony was given; but the probability of such a witness (to say nothing of the fact of her being legally an accomplice) retracting, is easily calculated.

72. It was late at night by the time her deposition was recorded. I secured most of the men for the night, but the women had of course got

Digitized by Google

news, and so my examination was not very successful the next day. Indeed, early in the morning I went to the 3rd prisoner's house, but found the women and children in the two adjacent houses had at once decamped, and the houses had clearly been hastily deserted. In one of them lived the 3rd witness (the wife of the brother of the 3rd prisoner). She was not found till some days afterwards by the Police, and then made a much fuller and more willing statement. Her husband, a sawyer, having returned home from another part of the country late, she was up cooking or him, when she became aware of the arrival of some people at the 3rd prisoner's house. She told her husband, who went over and saw them. The next evening there was a nercha or feast at the tomb, when she attended. She named the 1st to 5th and 7th to 30th prisoners, besides also sixteen women of the place as having been present. After the food, as usual, had been distributed, the five strange Moplahs and the men of the place went to the principal mosque, it being the time of the yessar prayer. When I pressed for the reason of the strangers being received and treated in this manner, she displayed some reluctance; but at length stated it was because they were going to become shahids or martyrs and intended to murder the Collector Sahib at Calicut. I endeavoured to ascertain the motive assigned for so doing, but she persisted in pleading entire ignorance. There is but one that could meet with so much and complete acceptance, the avenging of the deported Tangul.

73. Of a simple mind and comparatively unacute intelligence, this woman displayed little reluctance to speak after once beginning. The power of superstition clearly showed itself in the reluctance to answer my last questions and her resolution to say nothing against their deified Tangul.

74. Among the women I examined on the second day of my stay, the 2nd witness (a girl of fifteen and sister of one of the prisoners) made some partial disclosures. Her house is near the mosque. She admitted that after the yessar prayer, when the men came out, she saw several of them standing outside the gateway, talking with four or five strangers. She recognized the 11th to 15th prisoners among the number. She was also an unwilling witness. She also stated that on the afternoon of the same day she had met the 4th witness at the well, who told her that she had that day seen five armed Moplahs in the jungle behind the Iyaram, and that she had just been to tell the 1st prisoner of it.

Digitized by Google

75. A rich Hindu family of the vicinity being warned by a relative (an official) that the criminals were known to have entered Betutnad, took precautions. This gave rise to a rumour which reached the Tahsildar of the adjacent Taluk, who sent a body of Police and searched Munakel and the jungles near. This, though, was two days previous to the actual arrival of the offenders; but it accounts for the precaution taken by the 2nd and 6th prisoners in not receiving them into their own houses, which are rather publicly situated, but taking them to the house of the 3rd prisoner, and also for the offenders remaining during the day in the adjacent jungle.

76. The 4th witness is a poor Hindu woman of the caste of toddy-drawers. I ascertained from the 3rd witness that on the day after my arrival she left, or was, no doubt, sent away from the place early in the morning. I consequently did not procure her attendance till many days afterwards. She said that while passing through the jungle she saw five strange Moplahs all armed, and believing from their appearance that they were the offenders after whom the Police had been searching, she went and informed the 1st prisoner, the principal man of the place. That she did so is certain, for it was reported to the Hindoo Adighary; but the woman had no doubt been threatened, and was made to state that some of them had jackets and turbands, so that they might seem to have been some of the Police party, which the Adighary thought was the case. I am quite sure the woman had been put in fear; indeed she would scarcely say anything at first, and that was the reason of her leaving the place when I arrived.

77. The prisoners contented themselves with a simple denial; some (among them the 1st prisoner, who first set the idea going) assuming that the 1st and 3rd witnesses must have been mistaken and been thinking of the feast which took place in Kumbum eight months before! One or two had even the effrontery to denounce the 3rd witness as mad!

78. The point of identity would in this case be very difficult to establish in strict legal form. The 1st and 2nd witnesses would still be very unwilling witnesses, and when not taken unawares would, no doubt, make up their minds to stick to a simple denial of all knowledge before a Court. The 4th witness is, without any degree of metaphor, in fear of her life, and would feel much more so when there was a prospect of the prisoners being released.

Digitized by Google

79. Whether or not the Government would determine to convict, under the Act, all the prisoners criminated by the 3rd witness, I will not now stay to discuss; but presuming that no difficulty would be felt (as I confidently expect there would not be) as to convicting the fourteen or fifteen persons, regarding whom the testimony of the 3rd witness is confirmed by that of the 1st and 2nd witnesses, I would submit that there cannot be conceived a case more strongly demonstrating the depth of the disease, showing how it has spread till a whole community is infected, and we have got to deal not with exceptional criminals, but a disaffected population, not passively sympathizing with, but openly honoring, aiding, and abetting the most atrocious criminals; let us remember their motives, and then surely the extent of the disaffection is sufficient to make it a matter of State policy to root out the disease by extraordinary means.

80. The release of the majority of these prisoners would be productive of the worst effect upon the country; and if I have experienced the utmost difficulty in procuring some evidence on the present occasion, I feel positive that on the next occasion not even that amount would be procured. A community of Moplahs is so bound together that, as in the present instance, the Hindu population are perfectly ignorant of their doings, and though women and children may be fully acquainted with an occurrence of this kind, the caste discipline and fellowship are so perfect that the secret is in no danger of being willingly betrayed.

81. From Munakel, I have reason to believe that the offenders went on to Kolatur in Valuvanad (the scene, it will be remembered, of the outbreak in 1851), and there halted for a day. We have, though, been quite unable to procure any tangible proof of this suspicion. This would be on the 1st September. As to where the offenders were on the 2nd September, I am sorry to have to confess myself quite at fault. I believe, though, that they were on the borders of the Ernad and Valuvanad Taluks, at a place called Palliprom or Anakair. It is here that the relatives of the criminal Valasherry Emalu resided. I am bound to say that I impute this difficulty of procuring evidence at this stage greatly to the fact that the criminals were forced to use great precautions now, as the Police of Valuvanad and Ernad certainly were then exerting themselves zealously to detect them. The country too becomes peculiarly difficult; and the numerous hills and jungles afforded the criminals ample opportunities for moving by unfrequented paths of which their knowledge of the country enabled them to avail themselves.

Digitized by Google

I regret my want of success in determinately tracing them on these two or three days, but I feel confident that their movements were secret, and that the watchfulness of the Police was too much dreaded to allow of those disgraceful scenes occurring, such as have just been described.

82. There can be no moral doubt that the five Moplahs, who on the afternoon of the 3rd September visited the house of the Moplah* noted in the margin, were the criminals. This house is situated in a lonely place, where the face of the country is a mere jumble of hills, many of them covered with jungle. The house is about six miles to the north-east of Manjerry in Ernad, and was probably reached by the criminals having travelled round to the east of Manjerry by the extensive hills and jungles of Pandalur and Pynaad. The wife of the Moplah states, that in the afternoon, while alone with her children in her house, two strange Moplahs came and said they were in search of some stray cattle, and requested her to prepare food for them, giving her rice and materials. After a short time one left and brought three others with him, and all took their dinner and remained till towards evening. By this time the owner of the house returned from his work, and they gave him the same description of themselves. The next morning early the Moplah gave information to the principal men of the parish, and was sent on to the Taluk, and at once examined and inquiry made. It is clear that he suspected who they were, but I impute no criminality to him. To test his sincerity the Tahsildar sent the same night some Moplahs with directions to rap at the door quietly and pretend they were the persons who came the day before and ask to be let in. Upon doing so, the inmates kept the door shut and began to shout as loud as they could for assistance as if robbers had come. This and the fact of the man giving early information of his suspicion ought to relieve him from all responsibility.

* Cherugat Taruvy.

83. There is also no proof of where they were on the night of the 3rd and day time of the 4th September; but on the night of that day they procured food to be dressed for them, and also slept in the house of the prisoner* noted in the margin. The house is situated in the Chickote Amsham of the Ernad Taluk, at a distance of about twelve miles from the place where they were on the 3rd September. They probably travelled this distance during the night of the 3rd September, and, remaining hid in some jungly hill during the day, came out at night to procure food. It

*Case No. 11, Karanat Pokoo.

would be easy for one of them to purchase anywhere parched grain, and the *palaharangal* or different kind of cakes commonly eaten by Moplahs, which would do very well for the day, and at night they would be able to get some food cooked for them. It appears from the evidence of the 1st to 3rd witnesses that two strange Moplahs came towards evening to 1st witness' house and requested to have rice cooked for them; three others stood at the time at the gate. The 1st witness declined, as it was inconvenient, his house being a very small one. Near this house the 4th witness, a barber lad (a Moplah) met the offenders, and at their desire guided them to the house of the prisoner, where they were fed and slept. The prisoner confessed before the Police, but denied his confession before me. The prisoner's house is about a mile and a half from that of the 1st witness. The evidence has only been recently obtained, and the advanced state of pregnancy of the 2nd witness has prevented my examining her.

84. There is much ground for suspicion in the case, and I have not yet formed a definite opinion regarding it. The 2nd witness is the sister of the prisoner and wife of the 1st witness. Before the Police the 1st witness denied all knowledge, and it was rather reluctantly that he was induced to give his evidence before me. He admitted that the men stated to him that they belonged to Shernad and were going to purchase cattle, and that he heard seven or eight days afterwards of Mr. Conolly's murder, and then understood that these strangers were the escaped convicts. The 4th witness (the barber lad) declares that the men named the prisoner and asked to be shown his house. Looking therefore to the suspicious conduct and explanation of the 1st witness, and his above admission, there seems much reason to believe that he may have known at the time who the men were, and that, though, the smallness of his house, and the situation of his wife, prevented him from receiving them, he yet directed them to the house of his brother-in-law. But though the description of the persons of the strangers, and the whole course of the criminals are, I think, sufficient to lead to the conclusion that these men were the criminals, it is obvious that this point would be incapable of proof in a legal manner, and that it would not be advisable to commit either the prisoner or the 1st witness.

85. From this house the criminals must have travelled several miles over a wild and jungly country, which they might do without risk of recognition, during the day time, when they came to the Poodiangady

Digitized by Google

or Kulimad ferry across the great Beypoor river, forming the boundary of the Ernad and Calicut Taluks. Here they arrived on the afternoon of the 5th September, and were ferried over by the 1st of the prisoners named in the margin. That this was with a guilty knowledge there can be no moral doubt whatever. After the criminals had escaped, special orders were sent to the ferrymen to be on the look out, and this was one of the principal ferries. He admits too that when he heard seven or eight days afterwards of the murder of the Collector, that he at once suspected that these five strange Moplahs might have been the murderers, and though it is his business to ferry people across, it is clear from his being able to describe minutely their persons and the bundle of something wrapped up in palm leaves which they had with them, that he must have had some reason to recollect these details at the time and have particularly noticed them ; and as he must, as the regular ferryman, have received full warning, he must have seen sufficient reason to have questioned such strangers and to have searched their bundle.

CASE No. 12.
Prisoners:
1. Kangeri Kury Coyanu.
2. Chembersherry Uni Moyi.
3. Kalerimanna Ayisha Umma (female.)
4. Narangoly Kungi Rayen.
5. Chembersherry Koyihmar.

86. The 2nd prisoner is a Mukyastan or principal man of the place, and lives a mile or so north of the ferry. He was suspected of having aided the criminals early in August when they escaped, as they no doubt did, by this route, and had been examined and warned on this very account. Indeed the suspicion then raised against him is now much increased by his subsequent conduct. He admits that on the evening of the 5th September a strange Moplah came to his shop and bought some rice and said there were four or five of them who had come from Shernad and were going northwards, and asked whether he could give them a place to cook in. This he refused to do. Afterwards, going to 3rd prisoners house to borrow a bullock, he there saw the strange Moplah and four others, halting; he left without taking away the bullock as 3rd prisoner's husband was away. From the description the strangers gave of themselves, and the warning he had himself received, his suspicions ought and must have been aroused, and it was his duty as a Mukyastan to have kept an eye upon all strangers. There can be no moral doubt whatever that he suspected, if he did not actually know, who these men were ; and there is to my mind much reason to believe the latter, and that for t at reason he refused to receive them himself, and afterwards went to

Digitized by Google

3rd prisoner's to assist them; his other excuse being false, as a man of his position would never have been hindered in taking the bullock away, though 3rd prisoner's husband was away. He allows too that on hearing of the murder he at once suspected that these five men were the perpetrators of it. He must therefore have had his suspicions aroused. The 3rd prisoner is a poor woman, and was a tool no doubt, though it is difficult to believe that she was not aware at the time who her visitors were. Suspicion was at once generally aroused (it is admitted) that these five men were the murderers, and I strongly believe that it was perfectly well known by many at the time who they were.

87. The 4th and 5th prisoners saw the five strangers very soon after they had crossed to the northern side of the ferry, being together in 4th prisoner's shop at the time. As soon as ever they heard of the murder their suspicions were aroused, and the 4th prisoner inquired of the 1st prisoner, the ferryman, and admits that they both at once suspected that they were the murderers. The 4th prisoner did not, though, give information to the authorities as he was bound to do, and his position and intelligence render it incredible that the necessity of so doing did not strike him. He further admits that he forbade his wife (the 6th witness) to say anything of her having seen the strangers pass near her house. The 5th prisoner is a nephew of 2nd prisoner, and it had been before suspected that his boat had been used by the criminals on their first escape from the jail.

88. I am satisfied that in proceeding under the Act there could be no doubt about the necessity of punishing the 1st and 2nd prisoners severely, and demanding heavy security from the 4th and 5th prisoners on the ground of the suspicion against them. The 3rd prisoner is the only person who could be committed to the Court, and even if it were worth while punishing her, it would be difficult to prove a guilty knowledge against her. On the question of identity there can be at least no moral doubt, though it depends upon the description of the persons of the offenders given by the prisoners, and several witnesses who saw them at different points of their journey, both on the afternoon of the 5th and the early part of the 6th September. This, and its coincidence with the course of the criminals, could leave no reasonable doubt on the subject.

89. The criminals now began to get into more open country than that in which they had been skulking for the last few days. But they

Digitized by Google

Case No. 13.
Prisoners:
* 1. Corongote Coouhy Rayen.
2. Corongote Howderman.

had the advantage that they were not personally known. The prisoners* named in the margin undoubtedly procured them shelter on the night of September 6th, and were fully aware of who they were, and what were their designs. The question of identity, though beyond any moral doubt, would present considerable difficulty in a Court, while the knowledge of their designs can be only inferred (though I think with certainty) from the circumstances of the case, and the conduct of the prisoner. The 1st prisoner's house is situated on the side of the Corongote river, the ferry over which he manages. There is reason to believe that the 1st prisoner ferried the criminals over on the 5th August, the day after their escape. This rests on the statement of the 1st witness, a brazier, constantly employed by 1st prisoner on his premises. This man, I am convinced, knows more than he has stated. On the 6th September, he observed the five strange Moplahs on the eastern bank of the river, and told 1st prisoner, 2nd witness (a neighbour) who was then with prisoner. The 1st and 2nd witnesses both saw prisoner in conversation with one of the Moplahs on the western bank, and the other four a little in advance. The 3rd witness, a neighbour, also saw the same, and the prisoner admits it, stating that the men said they were strangers and merely asked where they could get rice cooked. The 4th witness works for the 1st prisoner as oil-presser, and lives in a garden belonging to prisoner about a mile from his house. He says, that at evening the prisoner came, and after talking on another matter the five Moplahs came in, and prisoner said they were people going to the north to buy cattle, and desired him to order his wife to cook rice for them. He did so, and the prisoner remained in conversation with the strangers for some time and then left. The strangers slept in the verandah, and left the next morning before dawn. The prisoner admits that he went in the evening to the 4th witness' house, that he saw the same five Moplahs sitting in the public road near 4th witness' house, and that after he went in, they came also; but he denies that he desired that they should be sheltered. The 5th witness, the wife of 4th witness, corroborates the 4th witness; and both state that after the murder, the prisoner desired them to take their son (the 13th witness, a boy of eleven or twelve) to Arimbra in Ernad (to which part of the country they belong) that he might not be questioned by the authorities. There I found the boy, who was brought before me in the first instance, and most satisfactorily corroborated the 4th and 5th witnesses, adding that during the

Digitized by Google

conversation, but when both 4th and 5th witnesses were inside the house, one of the criminals took out a sword from a package and gave it to prisoner. The boy described very naturally how he tried to take hold of the sword and look at it, when prisoner pushed him on one side. He also heard one of the prisoners called Moidin Cootty, one Emalu, and the lad, the "Ossan Kanden" or barber boy. The 4th and 5th witnesses also speak to the name of one of the strangers being Emalu.

90. It is proved, and the prisoner also confesses, that on a date which is uncertain, but was apparently very soon after the murder, he gave to a slave a package containing two swords and a bayonet, and desired him to conceal them. He kept them in his hut for some days, and then was ordered by prisoner to fetch them. Prisoner then gave them to a Tien (toddy-drawer) who lives in a hut in his garden, and ordered him to hide them. He (as he says by prisoner's express desire) hid them on the top of a sago-palm tree in the garden, and told his wife to see that no one climbed that tree. After prisoner was seized by the Police this man got frightened and told a friend, a man of his own caste, who in turn told his elder brother, and this latter went and told the principal Nair landlord of the place. He at once secured the Tien and sent off word to the Police; but on searching the tree no weapons were found, but only marks of something having been hid in the foliage. The prisoner's wife, though, admitted that hearing of the Tien having been secured by the Nair landlord, she ascertained from his wife the probable cause, and accordingly made another of her slaves climb the tree and take and throw the weapons into the river. This was confirmed by the Tien's wife and the slave, and the spot pointed out, and there, on diving, the package containing the weapons was found. The prisoner, when they were produced, admitted that he had given two swords and a bayonet to be concealed, but asserted that one of the swords found was not his, assuming that it must have been changed. Three of the wounds on Mr. Conolly's arm were inflicted by a bayonet. My efforts to carry on this evidence further have, though, I regret extremely to say, quite failed. It is very possible that the prisoner may have seen the criminals after the murder, as they certainly stayed on the day after at a house only four or five miles off. The prisoner denies that he ordered the 4th and 5th witnesses to conceal their son, and also denies the assertion of the 1st witness that he was ordered by him to leave that part of the country. Immediately after the criminals were shot, the prisoner also absented himself and could not be found.

Digitized by Google

91. When first apprehended and questioned by me, there had been no evidence procured of a definite nature. The prisoner gave a most suspicious explanation in reply to my questions, and his bearing was very remarkable. Immediately after my verbal examination he desired to be brought again before me, and then offered to give some information if "I would protect him," that is, make him an approver or otherwise hold him guiltless. This I utterly refused, as I was satisfied from his character and manner that he was a desperate fellow, and knew a great deal too much. I am satisfied that he is a very dangerous character, and that his release would be attended with great risk to the peace of the country. He has the reputation of being a noted aider and abettor of gang robbers, though he has never been convicted. He possesses land and other property to the value of about Rupees 500; but he appears to be an unsettled fellow, and judging from the personal intercourse I have had with him, I have formed the worst opinion of his disposition and, I think, he would take an early opportunity of joining in any fanatical outrage, stimulated thereto now not a little by the fact of his having suffered the disgrace of his present imprisonment. A review of the evidence in the present case could not, I am sure, fail to produce a strong moral conviction of his guilt in the present instance.

92. There is also evidence, which appears to me satisfactory, that he and his elder brother,* before other evidence had been procured, endeavoured to persuade a weaver (who is also dependent upon them) to come forward and state that he had seen five strange Moplahs answering to the description of the criminals proceeding along the road on the evening at a spot beyond the 4th witness' house. This was accidentally overheard, and of course caused greater suspicion against the prisoners. The object was to induce the Police to believe that they had traced the criminals beyond the 4th witness' house, and so take them off the right scent. The nephew of these prisoners was one of the fanatics who died in the outbreak in August 1852. Mr. Conolly then considered it necessary to order the 2nd prisoner to find security to keep the peace for one year. This was owing to his character and the suspicion against him on that occasion. His general character is apparently a very dubious one. Though a man of considerable property he has been regarded as a supporter of bad characters and a fosterer of fanaticism. The above attempt to suborn false evidence (though perhaps with the object of only saving his brother the 1st prisoner), the fact that the criminals stayed on the

* 2nd prisoner Corongote Hyderman.

Digitized by Google

7th, 8th and 9th September in the parish in which he resides, that they returned to that part of the country after the murder, and from thence robbed the adjacent house of the Makat Nambudry, with whom the 2nd prisoner has some cause of enmity, create such a suspicion in connection with his former character that the peace of the country requires that he should not be unconditionally released, as though he would not take a personal share in any outrage, he might prove still more dangerous as an inciter of fanatical outrages.

93. The house of the 4th witness is situated at the foot of a range of hills covered with dense jungle; this was no doubt the principal reason for their being lodged there and not at the 1st prisoner's house, which is surrounded by others and otherwise unadapted to ensure a rapid retreat in case of need. It was through this jungle that the criminals took their course the next morning, and there concealed themselves during the day, arriving towards evening at the house of the 1st of the prisoner's noted in the margin. This house is a very little way off the high road from Tambercherry to Calicut, and is about sixteen miles from the latter place; it is though like the last house at the foot of jungle-covered hills where pursuit would be difficult.

CASE No. 14.
1st prisoner Pulkurri Moyi.
2nd do. Mylangi Karumel Moidiu.

94. Here they stayed till the evening of the 9th September. At first they gave themselves out as being on their way to Wynaad to purchase cattle, but on the 9th revealed their true character, having at one time succeeded in inducing the 2nd prisoner to join them and die with them. The evidence in this case consists of the testimony of the 1st prisoner's wife, of a lad, a young brother of the prisoner's, and the confessions of the prisoners both before the Police and myself. The testimony of the other witnesses only goes to corroborate that of the 2nd witness and 2nd prisoner as to their having purchased provisions, &c. Strictly speaking, the 1st and 2nd witnesses are accomplices, and though admitted as approvers, it would be impracticable (except by the confessions of the prisoners) otherwise to confirm their testimony in material points.

95. The Calicut Head of Police Officer, (who has been very active) first obtained the evidence in this case, though in the examination before me I drew from the 1st and 2nd witnesses and also the prisoners some further details of importance. Till the 9th September the criminals maintained their character of cattle-dealers, though it is admitted that their appearance and their continued stay which they, ascribed (no doubt

Digitized by Google

truly) to a desire to rest themselves after several days' journey, excited suspicion. They do not appear to have been visited by any of the neighbours; the 2nd prisoner and 2nd witness live in another house near and came there according to their constant custom; the 1st prisoner was lame at the time. On the 9th the 2nd prisoner was asked by one of the criminals (Valasherry Emalu) to show him a place to bathe, and the river being objected to as too public, he was taken to a spring in the jungle; here the 2nd prisoner was persuaded to join them, and received 2 Rupees from them. His brother, the 1st prisoner, had before told him they were the escaped convicts. The motive assigned for murdering Mr. Conolly is stated to have been the restraint to which the criminals had been subjected; and the prospect of the pleasures of paradise which the criminal Emalu described to him was what induced him (as 2nd prisoner says) to agree to join them. When he returned to the house he told the 1st prisoner, who persuaded him to abandon his design, and as an excuse to feign to be in a fit, when they might set out. The artifice succeeded, the criminals saying that they did not want "that dead carcase," and desiring that the money he had got should be given back. The 1st prisoner took the 2 Rupees from 2nd prisoner's waist and gave them back, when Emalu threw down one Rupee as a recompense for the trouble the 2nd prisoner had taken for them. Extraordinary as this confession of the 2nd prisoner may appear, I see no reason to doubt it. He is one of those ignorant and degraded fellows who will be easily enticed by the sensual pleasures which the criminals held out to him, and it is a fact that the belief as to the reality of these pleasures being immediately secured by death, as a shahid is universally believed by the lower classes. From the declaration of the criminals and the description of their persons and names there can be no doubt whatever on the point of identity in this case.

96. From here the criminals proceeded, late in the night of Sunday the 9th September, to the house of the person with whom they had mentioned to the above prisoners they intended to stay. This is the first prisoner of the twelve named in the margin. He, his son (the 2nd prisoner), and his wife (the 12th prisoner) were guilty of harbouring the criminals with a guilty knowledge on the 10th

Case No. 15.
Prisoners:
1. Malakel Mammu.
2. His son, Kungi Peri.
3. Mulla Mercad Kutti.
4. Valasherry Kungi Rayen.
5. Koyasan Kandy Imbichy Koya.

Digitized by Google

6. NalagathaHassanCootty.
7. Cherapankandy Mayen.
8. Pariyakandan Hussan.
9. Kannanpalli Ahmed.
10. Ponamparatta Ahmed.
11. Kannen Kathir.
12. Cunyachee, wife of 1st prisoner.

and 11th September, and the 3rd to 11th prisoners were present at the nercha or ceremony performed on the evening of the 10th September, with the view of ensuring success to their project; and though they may not have all been aware of its object at the time, there cannot be a doubt that at least they were soon aware of it and neglected to give information to the authorities. The statements of the prisoners in the preceding case would not be available as evidence in a Court against the 1st prisoner, though in arriving at a moral conviction of his guilt, they must be of much weight, as the fact was mentioned at a distance by men who did not know the 1st prisoner and could have no reason invent anything against him. The 1st prisoner has two houses situated some 70 yards apart in different compounds—both stand on a somewhat open space on the east of the canal, about three quarters of a mile due-east of Mr. Conolly's house, which is nearly three miles due-north of the town of Calicut.

97. The 1st prisoner is well known to the Jail convicts, and doubtlessly to these very men also. While the canal was being made, a number of prisoners were located in a shop of 1st prisoner; and gangs are constantly sent to bring stones from the adjacent quarries. He also used to exert himself to procure security for those confined in default, and himself lately went security for a bad character from a distant taluk. I am satisfied from inquiries that the Calicut convicts have regular agents in different places about Calicut (usually shopmen in the neighbourhood of their working places) to whom their relatives entrust money and provisions, and where, with the connivance of the Peons they communicate, with whomever they choose. The 1st prisoner was, I expect, one of these agents.

98. He had also had a good deal of intercourse with Mr. Conolly since the canal was begun. On account of his being in default for some work he undertook on the canal, Mr. Conolly was forced to bring a suit against him and obtained a judgment for the money (Rupees 156). As he had little property, Mr. Conolly out of compassion recovered the sum (except interest which he forgave him) by keeping back the rent for the temporary Jail. Nevertheless the 1st prisoner in a petition in October 1854 demanded this rent, which as he strictly owed money to Government, Mr. Conolly refused, telling him he should think

Digitized by Google

himself lucky to be let off what he owed. The necessity for bringing a suit against him and his subsequent unjust demand of rent render it probable that he had a personal bad feeling towards Mr. Conolly.

99. It is certain that immediately after the murder of Mr. Conolly a very general rumour within two or three days prevailed that the murderers had been harboured by the 1st Prisoner. This was due, I believe, greatly to the fact that many of those who attended the Nercha on Monday must have been aware of its object, and that it so crept out, while the personal character and feelings of the 1st prisoner and the probability that the murderers had been harboured in this neighbourhood and that 1st prisoner who is a leading man of the locality must be aware of such an occurrence, added to the suspicion. No definite evidence was though obtained for a long time, though the 8th witness deposed to having met on the night of 11th September, a little before the time of the murder, armed men moving rapidly westward. This was at a spot between 1st prisoner's house and Mr. Conolly's. The 9th, 10th, and 11th witnesses also met armed men going eastward on the main road after the murder.

100. Further, on Sunday the 16th September, the 6th witness, a Moplah Gomasta, employed in the Huzzur Cutcherry, disguised himself and pretending to be a Moplah from Ponany went to 1st prisoner's shop and began to talk with him on this subject. The 1st prisoner soon expressed himself very freely and observed that the murderers "were fine brave children of Islam;" that "they had come and left by that route," and that "surely no good Islam would ever think of betraying them or aiding in their capture." The 3rd prisoner, who was in the shop at the time, corroborates the 6th witness. The 1st prisoner was immediately afterwards taken into custody by some Peons purposely near at hand.

101. Subsequently the 7th witness, a near neighbour, deposed that early on Monday the 10th, he saw five Moplahs answering in description to the criminals going to the smaller of the two houses of 1st prisoner, and I also extracted from the 4th witness, an old woman a servant in this house (who was though a most unwilling witness), that five Moplahs of the same description came just at dawn to this house and enquired for 1st prisoner, who shortly after came there. During the day-time, they hid themselves on the top of the planked ceiling under the roof. At night the Nercha took place, when the strangers came down and sat in the verandah till the neighbours (who were invited) began to collect, when they went and squatted down in the large clump of plantain trees

Digitized by Google

at the back of the house. During the night and the whole of the next day they remained there concealed in the day time as before. Some time after dark on Tuesday the 11th September, when they had taken their meals, they left after some conversation with 1st prisoner. The 2nd and 12th prisoners took part also in the harbouring and feeding of the offenders.

102. The 1st witness, a lad who attended the Nercha and went early, spoke to having seen five strange Moplahs sitting in the dark in the verandah and 1st prisoner talking with them. He asked 1st prisoner who they were, and was told they were men from the East (a common method of describing in Malabar) but was soon told by prisoner to go inside, after which other neighbours came, and he did not again see the strangers. He was also warned by 1st prisoner to say nothing about it. He though immediately afterwards told his elder brother the 2nd witness. The other prisoners (with the exception of the 11th) admit their presence at the Nercha. It appears that the 1st prisoner has once every month a ceremony called a "Moulud;" but this had taken place only a few days before, and had been held as usual in his other and principal house. The moulud is merely a recital of prayers and songs in honor of the prophet; its periodical performance is generally in consequence of a vow. On Monday the ceremony was not a "Moulud," but the reciting of a song called the Moidinmala-pata. This is in praise of the deeds of a hero of Mahomedan history, and though occasionally used, is, in the opinion of one of the principal Coyas or priests of this place to whom I referred, generally performed with the view of securing immediate success to some project about to be executed, and would probably, he thinks, be used by ignorant men who contemplated some such deed of blood or violence as this murder. An incident which illustrates the feelings which this ceremony inspires among ignorant Moplahs is to be found in the deposition of the 2nd prisoner in Case No. 1, who in stating how he could recognize the war-knife found on the criminals as the property of the 7th prisoner in that case, says that on occasions when the Moidin-mala-pata had been performed in that prisoner's house he had seen him pass this war-knife through the smoke of the incense used.

103. The 3rd to 11th prisoners are all men of ordinary sense and intelligence, as I have purposely excluded an old man and some boys who perhaps were merely attracted to the nercha by the food to be had on such occasions. The 3rd prisoner is the Mulla, and it appears to me

Digitized by Google

incredible that he and the rest should have neither inquired about nor known the object of 1st prisoner in this unusual ceremony, performed so soon after his regular "moulud," and not at the large house as hitherto. The description of the persons of the five strangers, the manner in which they were concealed, the declaration by the criminals elsewhere of their intention to stay at 1st prisoner's house, the coincidence in point of time of the arrival of the strangers here with the departure of the criminals from their last halting place, and of the departure of the five Moplahs from prisoner's house with the occurrence of the murder, the unusual performance of the nercha and its nature, the injunction of 1st prisoner to 1st witness, to say nothing about his visitors, and the strong sympathy he expressed towards the murderers, can, should I think, leave no moral doubt that the five persons he received and harboured were the criminals. I am though doubtful whether a Court would be equally satisfied on the point of identity. In that case these twelve prisoners, all of whom I should recommend under the Act for severe punishment, must be released by the regular Courts; indeed I do not see that it would be practicable even to commit the 3rd to 11th prisoners.

104. I shall detail much less minutely the progress of the criminals after the murder; they were known and received in some places openly, and many withheld information which they were bound to give. Fear, as well as sympathy, may have led to civility being shown to men with blood-stained weapons in their hands, and at any rate sympathy that aids in the perpetration of a great crime is to be more severely visited than that which merely instigates to the receiving of men who have committed such a crime. This part of the inquiry was chiefly conducted by Mr. E. C. G. Thomas, the Acting Head Assistant Magistrate, and I shall occasionally avail myself of his narrative of the facts.

105. Immediately after the murder, the criminals proceeded along the high road to Tambercherry, to a village named Koraval, a distance of about twelve miles from Mr. Conolly's house. Here they at once went to the mosque, the muckry* or sexton of which is justly liable to heavy suspicion from the vicinity of his house, from the fact that it was his duty to go to the mosque for the first prayer before dawn, that it is not likely that the criminals would have left early after their journey, and that they did not reach the house of the 2nd prisoner till after day-break though only a distance of a few hundred yards.

* Case No. 16. 1st prisoner. Muckry Powra.

2nd prisoner. Cholamparambatta Ooni Moyi.

Digitized by Google

In the words of Mr. Thomas, " I may as well here remark that through-
" out the whole of the inquiry I had ample evidence before me to prove, " that though information was entirely withheld from Government, it " was by no means kept a secret among themselves, *i.e.* among the " Moplah community, but that on the contrary what was known to one " was speedily known to all. On these grounds it seems to me but just " and fair that persons, and especially all Moplahs, should be held liable " to grave suspicion, depending alone upon the locality of their houses: " being near, they must have known, and knowing, why did they not " inform?"

3rd. Koravil Pidaga Ahammad.
4th. Mukyastan Embala Kutti Poker.
5th. Corongote Hyderman.

106. The 3rd, 4th and 5th prisoners are also under the heaviest suspicion: the 3rd prisoner from his house being very close to the mosque and its being proved that two of the criminals purchased provisions from him; the 4th prisoner because he is a Mukyastan of the place, and the wife of 2nd prisoner declares (though 4th prisoner denies) that he came to her house (as did others) and inquired who the men were, and the 1st prisoner also reported to him that some men had been sleeping in the mosque; the 5th prisoner (who is also 2nd prisoner in Case No. 13) because he is one of the principal people and a bad character and is at enmity with the Mukat Nambudry into whose house the criminals entered on the night of the 12th, though they themselves could never previously have known the Nambudry, and it is utterly impossible that they could have found their way to his house without a guide. The 2nd prisoner declares he was not at home, and only returned just as he saw the five armed men leaving his house. It is now known that on their way to Calicut the murderers stayed for forty-eight hours within two miles of his house. It is certain that he went to Calicut and returned on this very day. There is some evidence, though neither sufficient nor satisfactory enough for a Court, that 2nd prisoner accompanied the criminals out from Calicut and was seen with them very near to the Makat Nambudry's house. I have visited these places, and agree with Mr. Thomas that the inhabitants of this village are generally open to much suspicion, as there is " much open ground " about it, and yet the murderers seem to have been confident of safe " harbourage, fearless of treachery and remained there all day."

107. About 4 P.M. they went to the Nambudry's house and entered it before dark, and remained till about 9 P.M. They merely took away money and property to the amount of some 300 Rupees, and though they

Digitized by Google

might have murdered both the Nambudry and his brother, strange to say they only wounded one and beat the other. "The Nambudry "himself declares that he has no quarrel with any one of his neighbours; "but he is surrounded by Moplahs, and is evidently afraid to say a syllable "against them, being too thankful to have escaped this time with his "life, and not wishing to hazard a worse fate presently." The first brother might perhaps have accidentally escaped, the second certainly could not. He is generally believed to have adjured them by the foot of the famous Tiruvangady Tangul (the chief oath among Moplahs) not to hurt him, and that as he had used the Tangul's name they said, "We cannot kill this pig now," and merely beat him and turned him out.

6th prisoner. Ongattil Ahammed.

108. The 6th prisoner admits that he was near the Nambudry's house and did not stop when called to by the witnesses, and the nature of his movements raises much suspicion against him. From the Nambudry's house the criminals struck back to the main road to Tambercherry, and came to the house of the 1st prisoner in Case No. 14, with whom they had stayed for forty-eight hours on their way to Calicut. This is about two miles east of Koruvel mosque. They must have had a guide, I think, to enable them to traverse this country at night. The prisoner says he only gave two men a couple of torches, and declares he did not recognize them. It is needless to say that this is quite false and absurd, though there is no evidence to prove any thing against him. I fully agree with Mr. Thomas that "the whole of the Moplah neighbours of the Nambudry are under grave suspicion;" and that "had his house been honestly watched (after the criminals entered it) a body of five men could not have left it unperceived, though it might have been difficult to stop them," and yet, though, there is every reason to believe that they had left by half-past 9 P. M., it was not mentioned till the next morning.

7th prisoner. Pulipalikel Puckru.

109. On the night of the 12th they went on to the Bhavat mosque, about three miles further on, where they spent the whole of the day and part of the night of the 13th. The 7th prisoner admits that on the morning of the 13th, about 7 P. M., the five criminals passed near him armed, and that he omitted to give any information to the authorities. There is no evidence that he communicated with the criminals, and of course he denies it. The Courts would not consider this a crime, but the omission on the part of a Moplah is one that ought to be severely noticed.

Digitized by Google

110. The sister and wife of the 8th prisoner state that one evening several (four or five Moplahs) came to their house while the 8th and 9th prisoners were there; that they said they were from Calicut and were going eastward, and asked to be shown the road; that they were armed, and that after talking with the prisoners for about two narigas (forty-eight minutes) they left with 8th prisoner, who returned after a short interval. This appears to have been the 13th September; but though there can be little doubt but that these armed men must have been the criminals, the case would break down in a Court on the question of identity.

8th. Manolil Moidin Kutti.
9th. His younger brother Atha Kutti.

111. Against the neighbours of the Bhavat mosque, the 10th and 11th prisoners, the only evidence is that of two children of fifteen and twelve years of age, who depose to having seen on the evening of the 13th September, five armed Moplahs at the mosque and the wife of the 11th prisoner, bringing food from her house and giving it to one of the Moplahs. The 10th prisoner is the muckry or sexton in charge of the mosque, and lives quite close to it, about twenty-five yards off only. He admits too that he noticed signs of some persons having come to the mosque, and "suspected" that the criminals had been there. He says too that some days afterwards two Hindoos (the name of one of whom he does not even know!) told him that they had seen the criminals at the mosque, (a most improbable story) and that he also told the muckries or sextons of Koravel and Kedur* mosques, who also told him that the criminals had been to their mosque. There is abundant ground to at least suspect the prisoners, though the case is quite unfit to go to a Court. Mr. Thomas says: "It is admited beyond a doubt by general report that the criminals "were there for a time, and the muckry and others are at least generally "liable for withholding intelligence." Looking to the duties of the muckry and the position of his house, I must say that there does not appear to me any room for doubt that he was fully aware of the visit.

10th. Ottamud Mamud.
11th. Otuvil Kungivil Coya.

* Visited on the 14th September.

112. It appears, though it cannot be distinctly proved, that the criminals came on about four miles to the Kedur or Tambercherry mosque, on the night of 13th September. The 12th prisoner is the Cazy, and the 13th prisoner the Muckry of this mosque, and lives as usual very close to it. It seems that the 13th prisoner immediately became

12th. Palikilagatha Abdulla.
13th. Putanpidigayil Koyamu.

Digitized by Google

aware of it, and (from the evidence of a young child in 12th prisoner's house) that he went to the house of the Cazy and told him that they had come and were praying and wanted to see him. The 12th prisoner refused at first to go, but whether he afterwards went or not is not known. At any rate he admits that he was told the next morning that they had been at night at the mosque and subsequently passed through the bazar. He omitted to give any intelligence of this, as he was especially bound from his position to have done. To prove too that he was not in his house on the night of Thursday the 13th September, he set up an alibi which is flatly contradicted on oath by the persons mentioned by him. The 13th prisoner admits too that he heard the next morning of the criminals passing through the bazar, and that early on Friday morning he found some of the things in the mosque disarranged so that he concluded that they had been and prayed there. He too gave no intelligence. At dawn only the criminals came to the shop of a bazarman which is not far off. The duties of the Muckry ought to have taken him to the mosque at about 4½ A. M., for the sobayan or first prayer. It is his duty to call the Muezzim and this was Friday morning. Such men as the criminals would certainly have performed this prayer before they left the mosque. It appears to me that there can be no reasonable doubt whatever of the guilt of both these men, and yet they would never be convicted by an ordinary Court.

113. "The murderers at about six the next morning (14th "September) purchased provisions at the last shop in the Tambercherry "bazar at the further end from the mosque, and it is almost certain "that they must have walked straight through the bazar."

114. "Little more than an hour after this, a customer coming to "a shop at the opposite end of the bazar and near the mosque expressed "a fear to purchase anything lest he should be robbed by the murderers "who, he thought, might be in the neighbourhood; the shopman immedi-"ately re-assured him by telling him, that they had purchased provisions "and gone on; at a still earlier hour than this "another witness* learnt from the same shop-"man that the murderers had passed through; indeed it seems, as one "might naturally suppose, the fact was known throughout the place "within a few minutes, the distance from the mosque to the other end "of the bazar being a few hundred yards, yet not one of these people gave "information to the authorities."

* The Cazy's boy.

Prisoners:
14th. Atarakundy Oniyen.
15th. Pullakel Abboovaker.
16th. Nallankundy Moidin Kutti.
17th. Vencatarumel Moyi.
18th. Kumminitiyara Koyamu.
19th. Kunikel Mutha.
20th. Pudiyaporayil Pucker.
21st. Kunikel Seethee Hajee.
22nd. Mammalikel Seydutti.
23rd. Angheta Valapil Miodin.
24th. Allagel pidgayil Tarry Kutti.
25th. Valiya pidakel Moidin Kutti.

115. I quite concur in the above remarks of Mr. Thomas, and would punish every one of the bazarmen (prisoners 14 to 25), as it is quite certain from the position of their dwellings that they must all have been immediately aware of the fact, and yet gave no intelligence. The general report and belief of the country is that the criminals not only passed through, but actually stayed some time in the bazar, and were openly received by the bazar people. It is in the highest degree probable, though all proof is confined to Moplahs.

26th. Mantarakandy, *alias* Tanipora Katty Assen.

116. That the 26th prisoner harboured and fed the criminals on the night of the 14th September is fully proved and in great part confessed. The men were not personally known, but from the description of their persons and their being armed, I think the proof of identity might be sufficient for the Courts.

27th. Kuttoor Powara.
28th. Younger brother, Kunjayen.

117. The 27th and 28th prisoners admit that five armed Moplahs (who there can be no doubt were the criminals, though they were not personally known to either the prisoners or the witnesses) came to their house in the Tiruvambady amsham of the Calicut Taluk on the 15th September; but assert that they went away directly. It is though proved that they stayed there some time and probably, I think, during the whole of the night of the 15th. The question of identity might present some difficulty in Court. There cannot though be the slightest moral doubt of the guilt of these men, and there is some reason to believe that the 27th prisoner may have guided them on part of their way.

29th. Chapaly Poker.

118. On the morning of the 16th September the criminals met a village Peon and wrested his musket from him, but did him no harm. About noon on that day they met the 29th prisoner along with three others in a very wild and jungly part of the country. They compelled the 29th prisoner to act as their guide. The meeting was no doubt accidental, and at first compulsion was perhaps used, though I am not fully convinced of this. At any rate the prisoner acted as a most able and willing guide during the whole of the day and night till 4 P. M. on the 17th September, when he

Digitized by Google

had guided them to a spot called Eddamanapara in Ernad. Shortly after this they compelled a shopman to give them food. I believe this plea of force, and that the criminals threatened to burn the house unless he opened his door again. They had not gone far from this place when they were seen, and being followed up by the Kondotty people, were driven at length to take refuge in the house where they were shot on the evening of the 17th September.

119. Besides the 168 persons named in the preceding paragraphs there are many more whom the course of my enquiry has made it necessary for me to apprehend and detain in custody. Not a few of these must also, I think, for the sake of the peace of the country be subjected to some restraint as a requisition of security or something similar. I refer particularly to the relatives of the criminals Valasherry Emalu and Chemban Moidin Kutti, some of whom are men of bad character and dangerous disposition. But with their cases the Magistracy alone will have grounds to deal. The present letter I do not offer as a report exhausting the results of my enquiry ; but trust that it may enable Government to appreciate the extent of the criminal connivance of the Moplah community in this great outrage, though I am painfully conscious that I have far from succeeded in laying bare the full depth and breadth of their guilt. Disappointment will probably be felt that the evidence forthcoming is so imperfect in its nature and form ; but, I hope, that a perusal of the above cases will show the difficulty that exists in gathering any evidence at all. The combination of the Thugs defied all the ordinary processes for the establishment of their guilt, and the clan-like cohesion of Moplahs is even stronger. Their connivance has been so extensive that they are justly chargeable with guilt as a caste and community. The pernicious consequences of attempting to punish such offenders merely by means of the ineffective machinery and with the hitherto most inadequate penalties* of the ordinary Courts must be apparent.

* As in 1843 and 1853.

MINUTE BY THE RIGHT HONORABLE THE PRESIDENT.

The synopsis of his proceedings in investigating the circumstances attendant on the murder of Mr. Conolly, which Mr. Collett now sends up to Government, evinces that he has taken great pains and displayed unwearied energy in endeavouring to discover the cause of this atrocious

crime, and the amount of sympathy and assistance which the assassins met with in the district.

2. In this report Mr. Collett traces the course of the assassins from the time of their escape from prison to the termination of their existence, and during this narrative he takes occasion from time to time to introduce the several cases which he proposes to bring either before Government or the Court, in which he would bring charges of complicity against persons whom he has now in confinement or under suspicion.

3. There are in all sixteen cases mentioned.

Fifteen have reference to circumstances and to persons supposed to be connected with them, previous to the murder of Mr. Conolly.

One has reference to facts which occurred subsequently.

4. Of these sixteen cases, there appear to be only four or five at the most, which Mr. Collett seems to think it would be advisable to bring into an ordinary Court.

5. The others he thinks should be dealt with under the Act.

6. It is to be regretted that throughout Mr. Collett's report there is an apparent indistinctness in his notion of the powers of Government under the Act, which renders his opinion on the course to be adopted of less value than it otherwise would have been.

7. He writes of Government convicting the prisoners under the Act, in contradistinction to the result of a trial before a Court;

Again, of Government punishing under the Act; and

Again, of Government determining to convict; which would lead one to suppose that he had not a correct idea of the provisions of the Act.

8. Before therefore remarking on the chief question Government has to take in the present instance into consideration, that is, Whether there is a sufficiently strong case for it to urge the powers of the law being thrown back by a legislative enactment, it will be as well to state distinctly the powers given by the law.

9. 1*st.*—Government is empowered to employ Act 5 of 1841 to appoint by commission a judge to try any cases described in Section 2 of Act 23 of 1854.

2*nd.*—Government is empowered to employ Regulation 2 of 1819, for confining or deporting any persons charged with, or suspected of an intention to commit, any offence punishable under the Act.

3*rd.*—There is the power of levying compensation or fine on the umshoms or parishes.

10. It is evident therefore, that Government can neither commit, punish, nor convict; but that so far as any trial under the Act is concerned it must be conducted precisely in the same manner as it would in an ordinary Court.

11. Mr. Collett may mean deportation or imprisonment on suspicion, or he may mean fining; but he should then have been more definite and distinct in his terms; so, with regard to the five Moplahs in question, he sometimes calls them criminals, sometimes offenders.

12. Precision should be adhered to in complicated cases of this nature.

13. I have termed them assassins, which I think is the most appropriate, as there can be no moral doubt of their identity.

14. It remains for this Government to determine whether the statement now before them warrants the application to the Legislative Council referred to above.

15. The course of the four convict assassins and of the solitary boy who joined them is sufficiently well traced to leave no doubt of their being the perpetrators of the crime. This would render their properties liable to forfeiture; but the circumstances must be brought before a Court.

16. That is evidently the course intended to be adopted, but it is doubtful to me whether the wording of Section 2 would meet the case; I will, however, refer to this point again below.

17. It is clear that the assassins were received by their friends and relations throughout their progress, with the full knowledge that they had escaped from Jail; but there is no direct evidence to show that these latter were aware of their designs against Mr. Conolly's life.

18. It does not, however, appear to me necessary, in order that the application should be made, for Government to investigate each minutely and elaborately, but to consider whether upon the whole, it is desirable that it should be placed in the position which the law intended.

19. Should that be attained, it will be then to consider what proceedings should be taken on it.

20. After giving my best consideration to the subject, I am still of opinion that the application should be made.

1*st*.—Because the law has been acted on, and should be enforced as far as possible.

2*nd*.—Because, though the evidence mentioned by Mr. Collett does not appear to be as strong as could be wished, yet there are cir-

Digitized by Google

cumstances which fully warrant strong suspicion and on which clearer evidence might eventually be discovered—for instance,

Much that is stated regarding the 1st case, and of the conduct of the relatives and friends at Puttikad;

The 2nd of the war-knife;

The confessions in the 3rd and other cases;

The divorcing the wives, in 7th and 8th cases;

The discovery of the writer of the anonymous warning to Mr. Conolly;

The visits to the tombs of the Tanguls, the prayers and religious ceremonies;

The harbouring in the 15th and the 16th cases;—all go to indicate design and premeditation not only in the assassins but in those who received them. There is much possibly also, which would strike the mind forcibly as corroborative evidence, if on the spot, which it is quite impossible to realize at a distance.

21. It appears to me that no harm can accrue by Government being placed in the position in which it ought to be; whereas, even if it cannot act upon the evidence now produced, how painful would be its position if further and strong proofs should in a short time be produced.

22. The case would be different were the Act not in existence.

23. I think therefore Government should avoid, if possible, being placed in such a predicament.

24. I am the more disposed to urge this on the Legislative Council, because it appears to me that this is a matter of the gravest moment.

25. It is one in which not only the tranquillity of a province is concerned, but also and more especially the lives of the Government Officers, and it does appear to me that every endeavour should be made to lose no opportunity of making an example where it is merited.

26. I think a few cases would be sufficient, and there is nothing in Mr. Collett's paper to lead me to conclude, that none such could be found.

27. It remains for me to mention that I have some doubts whether the Act in its present form is capable of fulfilling the intentions for which it was framed.

28. We have now before us a full and fair instance of the cases with which it was intended to grapple.

29. The nature of the evidence which is likely to be procurable; the customs, habits, and disposition of the population to be dealt with;

Digitized by Google

the fearful nature of the crimes which may at a moment be taken in hand, and the reckless disregard of life with which they will be perpetrated.

30. Will a legal process according to the ordinary forms, and that is the only one permitted by the Act, meet the necessities of the case?

31. Supposing the assassins instead of being shot, had been taken?

Could a conviction of murder have been obtained against them?

I fear that such would not be the case.

32. The over-sensitive jealousy for the liberty of the subject, which is rendering the formulæ and practice of our Courts now in civilized life rather a defender of the evil than the protector of the well disposed, quite unfits them for acting against a set of fanatical barbarians.

33. But even supposing the Act in this respect to be sufficient, I certainly am of opinion that the forfeiture of the property should be left to the discretion of Government, and not to that of the convicting Court.

34. Government must be the best judge of the political heinousness of the offence.

35. But in the instance in hand, I doubt if the Act will allow of the forfeiture, for it restricts it to the property of persons killed in the act of committing, &c., &c.

36. That was not the case with these assassins, who were not killed for some days after the offence.

37. There is one point which strikes the mind very forcibly in reading this paper of Mr. Collett's, and that is, the utter worthlessness of the Police in Malabar.

38. If it is decided that the application should be sent up, I think the Collector should be informed of it, and that he should be asked whether he considers any stronger force of troops necessary.

39. I think the proceedings in this case should be kept confidential between Government and the local authorities; the circumstance of the act not bearing on the case was known more generally than was expedient. I do not know how it originated, but I think not in Madras.

40. Neither has there been that full and free and frequent communication from Malabar which should have taken place.

41. But for private information casually obtained, I should have known nothing of what was going on there until quite lately.

GUINDY, (Signed) HARRIS.
18*th January* 1856.

Digitized by Google

MINUTE BY THE HONORABLE SIR H. C. MONTGOMERY, Bt.

Dated 19*th January* 1856.

I think the report on the evidence which Mr. Collett has collected during his enquiry into the movements of the assassins of the late Mr. Conolly from the date of their escape from jail to that of their death bears out the opinion he has formed of the necessity of Government being armed with the powers intended to be conferred on them by Act XXIII of 1854. There can, I think, be no doubt of the assassins, both before and after the murder of their victim, having been harboured and assisted by the Moplah inhabitants of the many places they visited and of their having been known as escaped convicts. In some instances there are strong grounds for believing that influential persons were aware of, and encouraged, their designs, and there is reason to fear that they met in general with the sympathy of the Moplah population. From the nature of the evidence which Mr. Collett has collected at such praiseworthy pains, and extracted as it has mostly been from unwilling witnesses, there cannot be any certainty of conviction before the ordinary Courts of many, if indeed of any, of these persons; and to release unconditionally all, however deeply implicated, either before or after trial, would exhibit weakness on the part of Government that must seriously endanger the peace of the District of Malabar and invite further crime.

2. In my view, the provisions of Section 4 of the Act may be justly put in force in the cases of several of the persons named by Mr. Collett, and Section 7 seems properly applicable to some of the localities he refers to. I concur with the Right Honorable the President that every endeavour should be made by this Government to obtain from the Legislature such authority as will render the Act in question applicable at the earliest possible date to all in any way implicated in the murder of the late Magistrate.

(Signed) H. C. MONTGOMERY, Bart.

MINUTE BY THE HONORABLE WALTER ELLIOT.

Dated 24*th January* 1856.

Mr. Collett deserves the greatest credit for the energy and sagacity with which he has traced the murderers of Mr. Conolly through a wild and difficult country during a period of six weeks, from the time they broke jail to the perpetration of the murder and their destruction by the

Digitized by Google

military. It must be admitted, I think, that he has established the *general* conclusion to which his investigations have led him regarding the sympathy evinced by the Moplah population towards the degraded and desperate authors of that crime. He has also obtained evidence in some cases to bear him out in attributing such a feeling to the favor with which a proposal to avenge the indignities inflicted on their high priest was regarded. But he has not succeeded in bringing home an acquaintance with the intended crime to all the persons in custody. Neither in proposing to deal with individuals has he always discriminated between complicity in the outrage of the 11th September and the simple offence of harbouring escaped prisoners, and he has thus been led to recommend a recourse to Act XXIII of 1854, in cases to which its provisions do not apply. In other instances there appears to be a disposition to assume the existence of complicity and to infer a guilty knowledge of the intended murder on insufficient grounds, sometimes amounting to little more than mere surmises.

Paras. 31, 33, 38, 44, 56, 88, 89, 103, 105, 106, and 118.

2. The persons who sheltered the convicts after their escape, appear to have been for the most part relatives or former associates in crime, men of notoriously bad character and known to the Police. They likewise received countenance from members of the priesthood and servants of the mosques, a circumstance which lends force to the supposed connection between the origin of the crime and the banished Tangul. An absence of information implicating the most respectable class of Moplahs is very observable. There are even instances of loyalty and attachment to the cause of order under marked apprehension of the consequences of such a line of conduct. But these are rare exceptions. On the other hand, data for inferring that a considerable number of persons must have had a foreknowledge of the atrocious designs on Mr. Conolly's life have been procured in a sufficient number of cases to establish the necessity of a resort to extraordinary powers in the present state of Malabar.

Paras. 35, 37, 59.

3. I will illustrate these remarks by some observations on the cases as stated in the Joint Magistrate's report.

4. In case No. 1, twenty persons have been arrested. There is evidence that the 2nd prisoner not only harboured the convicts on the 14th August last, but that he was made acquainted with their designs. A woman (No. 14) his sister-in-law, distinctly avers that she heard them

Digitized by Google

relating their intention of killing some principal persons and of becoming shaheeds. She is the daughter of Prisoner No. 1, who also made a similar admission before the Police, but retracted it. The 3rd prisoner, nephew of one of the convicts, received information of the same description from the 2nd prisoner himself, whom he saw the following day at the house of the 7th prisoner in long and earnest conversation with the convicts. He also recognized a brass-mounted war-knife as having been given to the convicts by No. 7,* and this latter fact, which is an offence under the Act, is fully established against No. 7, and another in case No. 2. It appears to me that the 14th prisoner should have been admitted as an approver or a witness against the others. With these exceptions, it does not appear that Act XXIII of 1854 could be made applicable to any of the other persons included in that charge. The Act was again proclaimed in the Patticad amshom in the month of August. Was this whilst the convicts were there?

* It was from the house of No. 7, that the robbery of the Terooty Nambadree was undertaken, and probably in concert with him. He was one of the convict Tenoo's gang, and had only just been released from a sentence passed on him for a previous gang robbery.

5. In the third case the 2nd and 3rd prisoners, who ought to have been made approvers, women of indifferent character, depose distinctly to the convicts having come to their house in company with the 1st prisoner a relation of one of them (Tenoo's) and fully discussed their plan of murdering the Collector on account of the Tangul and to satisfy private revenge, and of dying themselves. But there is no evidence to bring any of the others under the Act.

6. The prisoners in Case No. 5, are persons in charge of the old Tangul's tomb at Mambretty (the father of the deported Tangul); and on the evidence of the son of the 1st prisoner (himself a Tangul or priest) it is clear that both prisoners were aware of the convicts' designs, that they prayed with them at the tomb, and lent their sanction to the enterprise. This is corroborated by their own admissions and by the evidence of a servant.

7. In Cases Nos. 4 and 6 there does not seem to be any proof of acts coming within XXIII of 1854, and in No. 7 the evidence is very defective on this point. But it seems to be established that the convicts were lodged in the mosque of Poodiangady and that a religious festival was celebrated on one of the three nights they passed there in which they participated and at which there was a full attendance of the caste. The persons named in list A are mostly relations of one of the convicts.

Digitized by Google

Against those included in list B there is nothing more than the fact of being present at the fête. The anonymous premonitory letter sent to Mr. Conolly forms a remarkable episode in this case. The supposed authors are inhabitants of Poodiangady. The dates of the writing, and its despatch are not given, but the fact of such a missive having been despatched at all leads to the conviction that the intended crime was known and canvassed among the Moplahs of that large town before its perpetration.

Paragraphs 58, 59.

8. Case No. 8 implicates the members of one of the convict's (V. Moideen) family, several of whom also appeared in list A of the preceding case. Many appear to have known of the murderers' intention to sacrifice themselves, which implies an acquaintance with the cause of such a step. But there does not appear to be much direct evidence forthcoming.

9. From Poodiangady the convicts retraced their steps, and visited another sacred place, Mambarra, where there is a Tangul's tomb, at which some religious ceremonies appear to have been performed. Fourteen persons connected with the tomb have been apprehended, all of whom, Mr. Collett thinks, may be dealt with under the Act. The abstract of the evidence in paragraphs 61, 62, is however very indefinite, and the specific grounds on which his belief is founded are not shown. Allusions are made to the weapons of the convicts having been blessed by the 1st prisioner, but whether resting on evidence or rumour is not stated. Neither does he mention the nature of the evidence obtained from the 1st and 2nd witnesses, who were smuggled out of the way by the 13th and 14th prisoners and concealed in Travancore. For all that appears in the report there is nothing against these two prisoners beyond their bad character. The 4th and 5th and 8th prisoners are stated to have made confessions, but the purport of them is not given.

10. The convicts are next traced into a secluded Moplah valley, twelve miles further on the way to Calicut where there is another Tangul's tomb, at which they performed their devotions and were fêted by the inhabitants. Direct and apparently good evidence of four persons, one of them a child, has been obtained of the transactions at this place, from which it appears that the intended murder was openly avowed. Thirty persons are involved in this charge.

11. As far as the report goes there does not appear to be sufficient ground for maintaining the charges against the individuals taken up in Nos. 11 and 12; but there is substantial proof that the ferry man at the

Digitized by Google

Corongote river (Case 13) not only harboured the convicts both before and after the murder, but assisted them in concealing weapons with which there is good reason to believe the crime was committed, and which were discovered in the river where he had thrown them away.

12. Equally clear is the evidence against the two individuals in No. 14, with whom the convicts lodged on the 7th, 8th, and 9th September, half way between Tambracherry and Calicut, and whom they again visited on the 12th after the murder and immediately after the robbery of the Merkut Nambari's house hard by. Both prisoners confess, and one of them had actually engaged to take part in the murder and share the glory of martyrdom, when his heart failed him, and he remained behind.

13. From this place the convicts proceeded to the immediate vicinity of Mr. Conolly's house, and found shelter with the 1st prisoner in Case No. 15, against whom there is much ground for suspecting that he must have been cognizant of their intentions—for 1st, he is shown to have borne ill-will to the Collector; 2ndly, he performed an extraordinary religious ceremony on the night of the 10th September, at which the convicts assisted and which was largely attended by Moplah guests; and 3rdly, armed Moplahs answering to the description of the convicts were seen on the night of the 11th, both *before* and *after* the murder, in rapid motion *from* and *towards* the direction of his house. The circumstance of the nercha or religious festival is not denied; it is proved to have been of an extraordinary character, and the religious exercises such as are only performed on the eve of some important enterprise. The 1st witness saw five strange Moplahs seated in the verandah at the commencement of the ceremony, who immediately retired and eluded observation; and the 4th witness also testifies to such persons having arrived at the house. The prisoners from 3 to 11 are only proved to have attended this ceremony, and there is nothing to show that they saw the convicts, or were acquainted with the special object of the assembly, the withdrawal of the convicts from which favors the inference that it was kept secret. But No. 3 is the Moollah and Nos. 2 and 12 are the son and wife of No. 1. I should doubt whether there are grounds for proceeding against any of the prisoners except No. 1, and even in his case the evidence as far as it appears is confined to inferences.

14. The last Case, No. 16, comprehends all who came or who are supposed to have come, in contact with the murderers after the 11th September; but against most of them the evidence is very vague, and in regard to some there is nothing but the merest surmises. Doubtless after

Digitized by Google

the murder was known—and news of such an event would spread like wildfire—the apparition of five armed strange Moplahs should have induced all who saw them to aid in their apprehension. But every one acquainted with India knows well that in no part of the country would the ordinary population move a foot in such a cause, and the apathy of the people in this instance cannot serve as ground for inferring complicity. The criminals generally took refuge in mosques, and it is inferred that the mosque servants must therefore have known them, but the servants do not live *in* the mosque, and the fact of actual communication is not proved in any instance. Again the murderers passed through the Tambracherry bazar early on the morning of the 14th, and bought provisions at the last shop. This forms the sole ground for apprehending all the shop-keepers in the street, who are constituted prisoners Nos. 14 to 25, because " they must have known who these Moplahs were." In like manner No. 29 was a solitary individual whom they met in a lone spot and compelled to act as their guide.

15. Actual communication with other of the prisoners is proved or admitted, and where this is the case, and food, shelter, or other assistance was given, and there is proof that the parties had heard of the murder, there may be room for holding them responsible, but at the same time allowance must be made for the fear which such desperadoes must have inspired, and for the danger of resisting their requisitions where means of defence and support were not at hand.

16. In noticing what appear to be defective points in the Joint Magistrate's proceedings, it must be recollected that he does not profess to give a full statement of all the evidence he has collected, but only at present to show its general character and the reasons why it would not satisfy the ordinary tribunals. It is clear, from allusions to definite facts not specified which occur throughout his letter, that he is in possession of fuller and more exact testimony than it suited his present purpose to detail, and which will be forthcoming when it is time to deal finally with the persons in custody. He has, however, in my opinion supplied adequate reasons in this paper to justify us in going forward with the application already resolved upon for giving a retrospective action to the Act; but even then I doubt whether it would be possible to do more then employ Section IV in some of the more flagrant cases noticed above. It is however premature to express an opinion on this point under the present imperfect exposition of the evidence.

(Signed) WALTER ELLIOT.

Digitized by Google

No. 85.

JUDICIAL DEPARTMENT.

Extract from the Minutes of Consultation, dated 28th January 1856.

Read the following Papers :—

From the Magistrate of Malabar.	(Here enter	11th January 1856, No. 4.				
Minute by the Right Honorable the President.	Do.	18th January 1856, No. 119.)				
Minute by the Honorable, Sir H. C. Montgomery, Bt.	Do.	19th	do.	do.	,,	121.
Minute by the Honorable Walter Elliot.	Do.	24th	do.	do.	,,	120.

1. With his letter above recorded, the Magistrate of Malabar submits a report from the Joint Magistrate Mr. Collett, giving an abstract of the evidence which he has collected, relative to the murderers of the late Mr. Conolly.

2. The Right Honorable the Governor in Council is of opinion that Mr. Collett deserves the greatest credit for the energy and sagacity with which he has traced the assassins through a wild and difficult country during a period of six weeks, from the time when they broke jail to their perpetration of the murder and destruction by the military.

3. In the course of his narrative, the Joint Magistrate takes occasion from time to time to introduce the several cases to be brought either before the Government or the Court in which he would prefer charges of complicity against persons whom he has now in confinement or under suspicion.

4. There are in all sixteen cases mentioned. Fifteen have reference to circumstances, and to persons supposed to be connected with them, previous to the murder of Mr. Conolly. One has reference to facts which occurred subsequently.

5. Of these sixteen cases there appear to be only four or five at the most which Mr. Collett seems to think it would be advisable to bring into an ordinary Court.

6. The others, he thinks, should be dealt with under the Act.

7. It is to be regretted that throughout Mr. Collett's report there is an apparent indistinctness in his notions of the powers of Government under the Act, which would lead to the supposition that he had not a correct idea of the force of its provisions.

Digitized by Google

8. He writes of Government "convicting" the prisoners under the Act, in contradistinction to the result of a trial before a Court, again, of Government "punishing" under the Act; and again, of Government determining to "convict."

9. It will therefore be proper in this place that the Government should state distinctly what are the powers with which they are invested by this new and special law.

1st.—Government is empowered to employ Act V of 1841 to appoint by commission a Judge to try any cases described in Section 2 of Act XXIII of 1854.

2ndly.—Government is empowered to employ Regulation II of 1819 for confining or deporting any persons charged with, or suspected of an intention to commit, any offence punishable under the Act.

3rdly.—There is also the power of levying compensation or fine on the Umshoms or parishes.

10. It is evident therefore that Government can neither "commit," "punish," nor "convict;" but that so far as any trial under the Act is concerned, it must be conducted precisely in the same manner as it would be in an ordinary Court.

11. By "punishment" Mr. Collett may have meant deportation or imprisonment on suspicion, or he may have meant fining; but he should then have been more definite and distinct in his terms.

12. So with regard to the five Moplahs in question, he sometimes calls them criminals, some times offenders. The Government would designate them assassins, which appears the most appropriate term, as there can be no moral doubt of their identity.

13. The Government have already on receipt of the previous reports from the Magistrate* and Joint Magistrate of Malabar apprised the Government of India of the conclusion to which they had been led by a perusal of those papers, viz., that the state of affairs in the District as therein disclosed showed that it was too late to recede from the policy originally contemplated, that the proceedings taken against the Moplahs under Act XXIII of 1854, could not be abandoned without perilling the peace of the country and the lives of the Officers employed in it, nor without the risk of future and more desperate outbreaks, for the repression of which even the extraordinary powers given by the Act would not be sufficient.

* 24th December 1855. 3rd January 1856.

To Government of India 14th January 1856.

14. They have also communicated the same opinion to the Member of the Legislative Council, and have requested him to submit to the

Digitized by Google

To Honorable D. Elliot, 14th January 1856.

Council a declaratory Act to throw back the action of Act XXIII of 1854, in such a manner as to bring within its scope all in any way implicated in the late crime.

15. The Magistrate of Malabar has likewise been directed not to proceed until further orders with any measures for the prosecution of such offenders before the ordinary tribunals and by the ordinary law.

E. M. C. 14th Jan. 1856.

16. When the above resolution was arrived at, the Government had before them only statements of the actual condition of the District, and the result to be expected from foregoing proceedings under the Act; representations worthy of grave consideration on account of the character and local experience of their writers, but couched only in general terms.

17. They have now before them an abstract of the facts on which the conclusions of Messrs. Clarke and Collett were based, with an outline of the evidence on which the Government will have to proceed in the application of Act XXIII of 1854, should a declaratory Act be obtained from the Legislative Council.

18. The evidence is certainly less full and satisfactory than could have been wished, though perhaps, allowing for the exceeding difficulties besetting the enquiry, not less so than was to be expected. It must however be recollected that the joint Magistrate does not profess to give a full statement of all the evidence that he has collected, but only at present to show its general character, and the reasons why it would not satisfy the ordinary tribunals. It should be remembered too that more evidence may yet be elicited, and that there is much possibly also which would strike the mind forcibly as corroborative evidence, if on the spot, which it is quite impracticable to realize at a distance.

19. Taking it, however, as it is now presented to them, the Government see no reason to change the views already expressed as to the expediency and indeed almost necessity of employing Act XXIII of 1854. It would be for the present premature to indicate the precise cases, of those specified by the joint Magistrate, which should be dealt with under its provisions. It may, however, be remarked that it would not be necessary to resort to it in many instances. A few would suffice both for the sake of example and for vindicating the authority of Government, as well as for escaping the evils to be anticipated from what might be regarded by the Moplahs as a vacillating or retrogressive policy.

Digitized by Google

20. Influenced by these considerations, the Government have informed the Honorable Mr. D. Elliot, that after perusal of the report now under review they continue of opinion that a declaratory Bill should be introduced.

By Telegraphic Message, 22nd January 1856.

21. They resolve also to communicate this intention to the Magistrate of Malabar, and to furnish him for his more clear information with copy of the previous letter to Mr. D. Elliot on the subject.

14th January 1856.

22. Mr. Clarke has already been directed to suspend acting according to the ordinary law. He and Mr. Collett will now proceed to carry out their arrangements and to prosecute their enquiries in view to the application of Act XXIII of 1854, on a declaratory Act being passed.

23. He will state at once whether he requires the support of a stronger Military force, either during the interval before the passing of the declaratory Act or afterwards while Act XXIII of 1854 is being applied.

24. His communications on this as on the other points to which this extract refers should be kept confidential between himself and Government. The circumstance of the Act not being of force prior to the 18th September, and the views of Government thereon, seem to have become more generally known in Malabar than was expedient. As the local Officers had reasons, of which the Government could not be in possession, for believing that to act upon the instructions sent them would be of evil consequences, they should have been careful that the purport of those orders did not transpire before the Government had an opportunity of reconsidering and if necessary of suspending them. They will now abstain from any proceedings which may tend to raise in the minds of the Moplahs a doubt of the applicability of the Act, or may seem to extend such doubts if already entertained in any quarters.

25. The Government further must remark that there has not been that full and frequent communication, official or demi-official, from the District authorities to Government, which should have taken place. The present is the only report that has reached Government for some weeks, during which they have had no information as to the state of the country and progress of the inquiry except that derived from private sources.

Digitized by Google

No. 230.

JUDICIAL DEPARTMENT.
8th February 1856.

From C. BEADON, Esq.,
Secretary to the Government of India.

To T. PYCROFT, Esq.,
Chief Secretary to the Government of Fort Saint George.

SIR,—Since the despatch of my letter No. 143, dated the 18th ultimo, in reply to yours of the 22nd of December, I have had the honor to receive and lay before the Most Noble the Governor-General in Council your further communication No. 37, dated the 14th ultimo, with enclosures, relative to the measures which it is thought necessary to take against the persons concerned or suspected of being concerned in the murder of the late Mr. Conolly, the Magistrate and Collector of Malabar.

2. The urgent representations now made by the Right Honorable the Governor in Council as to the necessity of giving retrospective effect to the provision of Act No. XXIII of 1854, have led the Government of India to review the circumstances of the case from the commencement to the present time; and I am accordingly directed to communicate the following observations.

3. On the 12th September last, Mr. Conolly was barbarously murdered by a small band of Moplah fanatics, in revenge for his having advised and carried out measures which forced a certain chief priest of the Moplahs to leave the country. The murderers intended to sacrifice their own lives in the affair, and did so a few days afterwards. This was precisely such a murderous outrage by Moplahs against a person of other than the class of Moplahs as is contemplated in Act XXIII of 1854; and the Madras Government, accordingly, on the 18th of September, declared the whole District to be under all the provisions of that Act. All the assassins of Mr. Conolly were put to death by the military party sent to apprehend them, (whom they attacked with arms, selling their lives as dearly as they could), on the 17th of September, the day before the District was proclaimed.

4. The local Judicial authorities commenced proceedings under the Act; but the circumstance coming incidentally before the Sudder Court, the Judges of that Court expressed strong doubts of the lawfulness of

Digitized by Google

applying the provisions of Act XXIII of 1854, in regard to crimes committed before those provisions had been called into operation by proclamation. The question having been referred to the Government Pleader, that Officer gave a decided opinion in the negative. His Lordship in Council apprehends that this opinion may be taken to be perfectly sound. It appears to him that as the Act is drawn, the proclamation of the executive Government has precisely the same effect as if a self-operating Act of the same character had been passed on the day of proclamation; and the withdrawal by the executive Government, provided for in Section IX of the Act, would, unless a new proclamation were issued have the same effect as the repeal of such an Act. There are no words giving retrospective effect to any provisions of the Act. The Governor-General in Council therefore agrees with the Madras Sudder Court and Government Pleader in thinking that the Act was not intended to apply, and does not apply to offences committed in any District of Malabar, except during the period in which that District is, by virtue of a proclamation of Government, subject to the operation of its provisions.

5. The Madras Government represent that this feature of the Act, though quite in accordance with general principles of legislation, necessarily has made the Act of no value in relation to the particular crime in consequence of which the Act has been called into effect by proclamation. The same thing may be said of every future proclamation, supposing the District to be intermediately withdrawn from the operation of the Act.

6. The Madras Government are firmly persuaded, upon grounds which appear fully to warrant the conclusion, that to abandon the proceedings commenced under the Act would have most disastrous consequences. They believe that the occasion is so great as to justify a departure from the general principle of avoiding retrospective legislation. To avoid the evils and dangers which they anticipate, they urge the passing of "a declaratory Act to throw back the action of Act XXIII of "1854, in such manner as to bring within its scope all in any way con-"cerned in the late crime."

7. His Lordship in Council thinks that the Madras Government have shown the necessity of special legislation, having to a certain extent retrospective operation; but he does not think that a declaratory Act should be brought into the Legislative Council. For if the interpretation put upon Act XXIII of 1854 by the Madras Sudder Court and Government Pleader is held to be, as the Governor-General in Council believes it to be,

Digitized by Google

correct, a Bill declaring the contrary to be the true interpretation could not be supported.

8. But the Governor-General in Council is quite prepared to agree to a law giving Act XXIII of 1854 retrospective operation, to such an extent as will answer all purposes. The Act of 1854 creates no new offence ; it merely provides, in a peculiar condition of a particular District, a new and appropriate procedure for the trial of certain offences, with new and appropriate punishments for those guilty of them; and strengthens the hands of Government in relation to such offences in a manner which the peculiar condition of the District makes necessary. In the present case, it is expressly stated that the people of the District all fully believed that the law was in operation, when the murder of Mr. Conolly was committed; and that it came into full operation, when the local proclamations were issued notifying that it had been passed.

9. Accordingly a Bill will be immediately introduced into the Legislative Council, to give effect to the provisions of the law in question from the time when it was first published throughout the District; and His Lordship in Council trusts that such a Bill may be passed into law without delay.

10. There is another point of much importance, discussed in the papers which accompanied your references above mentioned.

11. Regulation II of 1819 of the Madras Code enables Government to confine, without trial, persons "against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper." The Regulation warrants this course when "reasons of State Policy may render it necessary to place under personal restraint" such persons; and it provides that the Governor in Council shall be the sole and immediate authority that is to determine when and in relation to whom this provision shall be enforced. When this law is enforced against any one, no Court of Law can interfere. It is certain, that under this Regulation the whole authority and responsibility, in every case of the exercise of the extraordinary power it confers, are with the Governor in Council. If, having obtained adequate information, their judgments and consciences satisfy them that reasons of State policy render it necessary to put under personal restraint a particular individual, they have lawful power to do so, acting always of course under their close responsibility to higher political authority.

Digitized by Google

12. The Government Pleader is of a contrary opinion, and puts an arbitrary interpretation upon the plain words of the Act, whereby he would restrict its force to what are termed State offences, such as treason and some others named. He supports his gloss by the argument that the Regulation is, in his opinion, a very arbitrary law. But this is an irrelevant argument. A law is a law, whatever any one may think of its character; and so far from there being anything in the law of 1819 to support Mr. Norton's interpretation restricting its application to certain specific offences, the law is plainly not restricted to any offences at all, or to any real or supposed offenders. It is applicable even to persons not accused of any offence whatever; and it has been often enforced in the case of such persons. A State prisoner need not be, and usually is not a malefactor. When a person commits treason, or other crimes, such as Mr. Norton describes as State offences, he can be dealt with, without the exercise of the extraordinary power confided to the conscience and discretion of the executive Government by Regulation II of 1819, as readily as if he had committed an ordinary crime.

13. It is quite true that the character of Moplah outrages heretofore has not been that of a State offence, and has not been such as to raise questions of State policy. Therefore it is that it was necessary, in order to give Government power of dealing with persons secretly concerned in them in the way provided by Regulation II of 1819, to insert an express provision in the Moplah Act to that effect. But it is stated by those best informed that the character of this particular Moplah outrage was different, and that it had a political bearing, and was a State offence, unless to endeavour to paralyze the administration of a whole Province be no State offence. It is also stated, by the same authorities, that the public security requires the confinement of certain persons who cannot be tried with hope of success.

14. The Government of Madras, after fully considering these reports, are convinced that the crisis is one in which "reasons of State Policy" require the enforcement of the extraordinary powers granted by Regulation II of 1819. According to the interpretation which the Governor-General of India in Council puts upon that law, whether the Madras Government should be right or wrong upon this high question of policy, and whether they should act on the law, upon this occasion, or decline to do so, they could neither derive any support, nor avoid any responsibility, by reliance, in a question which is of a political not a technical character, on the opinion of any Government Pleader, whatever

Digitized by Google

that opinion may be. For this reason the Governor-General in Council is of opinion that it would be entirely proper, on this occasion, for the Madras Government to act upon its own information and judgment in regard to the enforcement of Regulation II of 1819.

No. 166.

FORT SAINT GEORGE, 18*th February* 1856.

From T. PYCROFT, Esq.,
Chief Secretary to Government, Fort Saint George.

To T. CLARKE, Esq.,
Magistrate of Malabar.

SIR,—With reference to Extract Minutes Consultation, dated 28th ultimo, No. 85, I am directed by the Right Honorable the Governor in Council to inform you that this Government have received intimation from the Government of India to the effect that a bill will be immediately introduced into the Legislative Council to give operation to the provisions of Act XXIII of 1854, from the time when it was first published throughout the District of Malabar, which is understood to have been prior to the 1st of March 1855.

2. You and your Joint Magistrate will as already instructed, proceed with your enquiries, and make your arrangements, so that no time may be lost in taking advantage of the above bill on its becoming law.

No. 272.

FORT WILLIAM, 22*nd February* 1856.

From CECIL BEADON, Esq.,
Secretary to the Government of India.

To T. PYCROFT, Esq.,
Chief Secretary to the Government of Fort Saint George.

SIR,—With reference to paragraphs 8 and 9 of my letter No. 230, dated the 8th instant, I am directed to transmit for the information of the Right Honorable the Governor in Council, the accompanying copy of the Bill noted in the margin, which was passed by the Legislative Council on the 16th idem, and which has this day received the assent of the Governor General, and will be immediately published as Act No. 5 of 1856.

"A Bill to give effect to "Act 23 of 1854, from the "time of its promulgation "in the District of Malabar and to extend the application thereof in "future"

Digitized by Google

A Bill to give effect to Act XXIII of 1854 from the time of its promulgation in the District of Malabar, and to extend the application thereof in future.

Preamble.

Whereas by a Proclamation published in the Fort Saint George Gazette, under date the 18th September 1855, the Governor in Council of Fort Saint George, declared the whole of the District of Malabar to be subject to the operation of all the provisions of Act XXIII of 1854; and whereas long prior to such publication, namely before the 1st of March 1855, the said Act had been published and promulgated throughout the District of Malabar, and was believed by the class of persons therein described as Moplahs, and by all other classes of the inhabitants, to be immediately operative ; and it is expedient that the said Act should have effect according to the general belief and understanding in that respect; and whereas it is expedient to extend the application of the said Act; It is hereby enacted as follows:

Act XXIII of 1854 to be deemed to have been in force from the 1st of March 1855.

I. Act XXIII of 1854 shall be deemed to have been in force for all purposes from the 1st March 1855, in the same manner as if the said proclamation had been published on that date.

Provisions of Act XXIII of 1854 extended to all murders, &c., committed by Moplahs.

II. From and after the passing of this act, the provisions of Act XXIII of 1854, shall apply to any Moplah who murders or attempts to murder any person ; and to any Moplah who takes part in any outrage directed by Moplahs against any person wherein murder is committed or attempted to be committed, or is likely to be committed; and to any person who shall procure or promote the commission of any such crime as aforesaid, or shall incite or encourage any other person or persons to commit the same ; or who after having committed or having been accessary to any such crime as aforesaid shall forcibly resist any person or persons, having lawful authority to apprehend him, or who shall join or assist or incite or encourage other persons to join or assist in such resistance.

Construction of Act.

III. The said act XXIII of 1854, and this Act shall be read and construed together as one Act.

(True Copy.)

(Signed) CECIL BEADON,

Secretary to the Govt. of India.

Digitized by Google

No. 197.

JUDICIAL DEPARTMENT.

Extract from the Minutes of Consultation, dated 28th February 1856.

Read the following letter :—

From the Secretary to the Government of India, dated 22nd February 1856.

Resolved that copy of Act V of 1856, which accompanied the above letter, be forwarded to the Magistrate of Malabar by express.

2. Resolved also that the Magistrate be directed to obtain and submit to Government as early as practicable, with his own remarks, a report from his Joint Magistrate containing specific propositions from that officer, with the evidence on which they are founded, in respect to the course to be pursued towards the several parties charged with or suspected of complicity in the murder of the late Mr. Conolly.

Note.—Or reports if the subject cannot be conveniently embodied in one report.

3. Resolved that the Act be forwarded to the Malayalum Translator to Government for immediate translation, and that it be published in the next issue of the Fort Saint George Gazette.

No. 10 A.

CALICUT, 25*th February* 1856.

From T. CLARKE, Esq.,

Magistrate of Malabar.

To T. PYCROFT, Esq.,

Chief Secretary to Government,

Judicial Department,

Fort St. George.

Letter from Joint Magistrate, dated 14th February 1856, No. 59, with 25 enclosures, as well as 6 plans.

Sir,—I have the honor to forward, for the purpose of being laid before Government, the enclosed papers noted in the margin.

2. In the memoranda, which refer to twenty-four cases, Mr. Collett has given "full abstracts of the evidence produced in the different cases," has recommended how the several parties included in them should be dealt with, and has entered at large into the grounds of his recommendation.

Digitized by Google

3. Mr. Collett has further submitted ground-plans of certain localities and buildings referred to by him, and a nominal and a tabular statement showing the sentences recommended and the number of deaths which had occurred among the several parties up to the 14th instant. I regret to have to add that up to this date the number of deaths has been increased by nine.

4. The total number of persons examined in the twenty-four cases is 164, of these fourteen are women, one a boy, the remaining 149 men. All were supposed to be more or less implicated either in aiding and abetting the assassins, with a full and guilty knowledge of their designs to murder Mr. Conolly and die as Shahids, or of harbouring and aiding the assassins after the murder. In some cases the guilt of the accused is clearly brought out; in others though there may be reasons to suspect some of complicity, these reasons rest on a very slender basis. In some cases the parties are men of known and notoriously bad character, of whom Mr. Collett does not hesitate to say that if released, he feels convinced, they would die as Shahids; in others they are pronounced to be poor ignorant weak creatures, acted on by fears and other influences, which tend greatly to extenuate their fault. In some cases the accused parties acted with much secrecy and reserve, in another it will be seen almost the whole community in the locality are considered to be implicated, not only in harboing and receiving the assassins, but in joining in the ceremonies performed to consecrate them for their fearful work.

5. Fifteen of the cases refer to occurrences before the murder of Mr. Conolly, and nine to those which took place after it.

6. Of the 164 parties accused, sixteen had died before Mr. Collett closed his proceedings. In regard to the remainder, Mr. Collett recommends the unconditional release of thirty-six, of these are men thirty-one, and women five. Of these thirty-six one died in jail on the 19th February 1856, and twenty he would hold to security under the general regulations. In regard to the ninety-two against whom he considers Section IV of the Act should be enforced, he would simply imprison eight for short periods in the jail at Calicut, of whom seven are women, the remaining man is the prisoner in case No. 18. The rest, amounting to eighty-four,* he recommends should be banished for various terms from three years to life. Those that he would banish for life are twenty, all of whom are men of blemished and dangerous character; of these four have died since the closing of Mr. Collett's letter.

*Viz: 82 men, 1 woman and 1 boy.

Digitized by Google

Two he would banish for twenty-one years.

Fifteen for fourteen years, one of whom has since died.

Seven for ten years.

Twenty-one for seven years, amongst whom also there has been one death.

Six for five years.

Two for four years, of whom one has died.

Eleven for three years, of whom also one has died.

The accompanying Table will show how the prisoners mentioned are to be disposed of, and the deaths that have occurred among them.

7. Mr. Collett is strongly of opinion that all these sentences should be enforced and carried out, though the number be large.

8. Considering the increase and spread of fanaticism of late years n Malabar and the atrocities with which it has been attended, the sympathy, support, and encouragement it has attracted and met with among Moplahs, the difficulties there exist in the way of proving such complicity and encouragement, and the many chances the guilty have of escape, it appears to me that where strong suspicion and moral convictions are sufficiently established against the accused to justify the enforcing against them the provisions of the Act, the most effectual method of deterring others from engaging in similar offences will be, not to trust to the security of the punishments threatened, but to establish as close a connexion as possible between the ideas of such offences and punishment. However it may perhaps suffice for the ends of justice in the present instance that all those recommended for more severe sentence than seven years' banishment should alone be punished.

9. The evidence obtained is generally legally bad, insufficient and inconclusive. The conviction that the parties are guilty has been arrived at from inference, 'from circumstantial matters, and direct testimony, more or less full and complete; partial admissions, criminations and the revelations of females generally obtained on the spot, from prevalent and uniform feeling and rumour obtaining in the locality, from the experience of an able officer obtained from lengthened intercourse with Moplahs, and an extensive knowledge of their habits, dealings and character, and from the character and antecedents of the accused. These predicaments are not all present in each case, nor are the combination of them equally strong in every case, as it has been before observed in some cases the grounds on which the guilt of the party rests are very slender. The Government will have been prepared by long experience not to expect

Digitized by Google

clear and strong legal proof in these cases, and in that portion of the Minutes of Consultation of 3rd October of last year, which has been quoted by Mr. Collett in the 3rd paragraph of his letter, they seem to anticipate that in some instances at least, only a moral and not a legal conviction would be attainable, it is hardly therefore necessary to recall their attention to the 5th paragraph of Mr. Conolly's letter of the 29th November 1851, or to the note appended to it in which it is stated—"The in-"formation on which we gained a knowledge of their intentions, as also "of those of the fifteen men adverted to in my letter of the 13th instant, "comes from sources which cannot be made public. A Moplah will at "times give a secret report, especially to a superior of his own sect, which "nothing would induce him to bring forward publicly. So fully convinced "are Mr. Collett and myself on this point, that we do not press for parti-"cular openness from the Moplah authorities we employ. We rely much "on their respectability, and the unlikelihood of their bringing accusations "against their *poor* countrymen vexatiously. We do not of course, however, "do this blindly, but look to every piece of circumstantial evidence which "the nature of the case or the statements of the accused parties may "elicit. Mr. Collett is a master of Malayalum, and conducts the greater "part of the inquiry himself."

I would however beg leave to draw the attention of Government to Mr. Collett's remarks in the 21st paragraph of his letter, and I believe that he possesses, to a rare degree, from knowledge and experience, the capacity of investigating and eliciting the truth from Moplahs which few even among their own countrymen possess.

10. The Government, I fear, will be disappointed that the origin of and motives to the assassination have not been more satisfactorily developed. Many rumours have been current. Some have attributed the murder to the Hindoos, and the Zamorin as their head; some to the Beebee of Cannanore, and others to the Taroomel Tangul. With reference to the Hindoos it may be sufficient to remark that not only is there nothing on record to support the rumour which affected them, (the whole of the information gained by Mr. Collett showing that Moplahs only have been concerned), but it is hardly to be supposed had the Hindoos designed the death of the Collector, they would have so far committed themselves as to have selected as their agents for the deed men so hostile to them as the whole Moplah race are known to be. The Beebee, it is true, had for a long time deemed she had cause of complaint against some of the acts of the late Collector, but nothin ghas transpired to implicate her; on the contrary the assassins

Digitized by Google

have avowed that they were actuated to commit the murder solely by a desire to avenge the removal of their Tangul and to rid themselves of the intolerable burthen of perpetual imprisonment, to which they were destined. It has not been ascertained whether the idea of avenging the Tangul originated with the assassins, or whether they were only the tools employed by others to execute a planned and settled determination. Mr. Collett inclines to the latter supposition, and considers that the death of Mr. Conolly having been determined on as an expiation for the offence of expatriating the High Priest. The escape of the convicts was seized on by some agents of the Tangul in the District, as a fitting opportunity to carry out the design, and those wretched men selected as the tools for the work. It is hardly to be expected we shall ever discover whether the escape from jail formed part of the plan. It is not improbable it did. Mr. Conolly's departure from Calicut was near at hand. Preparations were making for the disposal of his property, and it was generally believed that in a few months he would leave it for ever. No time was to be lost in the selection and preparation of agents for the fearful work and who so fit for it as men who had already devoted themselves to death, whose character rendered it unsafe for them to be at large, and who had perhaps been rendered desperate by being again remanded to prison. It is not consonant to the ordinary course of events that men of the stamp and order in society of the assassins should originate and take the lead in such an undertaking; but they were most fitting tools. How far the Tangul was personally implicated in the matter will, I fear, ever remain a mystery. His arrogant and turbulent, and I may add blood-thirsty character shown in former proceedings and by what has lately occurred in Arabia. His disappointment at being unable to return to his native country, his unbounded influence over the Moplahs of the south of Malabar, and the constant communication he keeps up with the large number of pilgrims who constantly visit him, (see Mrs. Haines' letter) have led many to point at once to him as the instigator of the crime; but though every clue that could be obtained to connect him with the deed was immediately followed up by Mr. Collett, no criminatory matter has yet been obtained against him.

11. The Tangul apprehended at Mangalore was pronounced by Mr. Collett to be altogether an impostor, who with a view to adding to his own pretension to sanctity, falsely claimed to be a near relative in constant communication with the banished Tangul.

Digitized by Google

12. And the Government are aware that nothing has yet resulted from the inquiries set on foot regarding the admonitory communication alleged to have been addressed by Captain Haines to Mr. Conolly.

13. The wonderful influence the Tangul possessed over the minds of the Moplah population was shown on no occasion more clearly and unmistakeably than when a large concourse of Moplahs, estimated at 10 to 15,000, great numbers of whom were armed, collected together, to protect and defend him from the apprehended consequence of his turbulent and seditious conduct.

14. It is not therefore unreasonable to conclude, that finding it impossible to return to his influential post at Tiroowangaddy, he may have suggested to some of the many pilgrims who visited him, the propriety of avenging his transportation by the death of the officer who had effected it, and that means were devised of communicating this design to the convicts and urging them to the accomplishment of it.

15. All persons whose opinion is worthy of consideration, concur with Mr. Collett in the opinion expressed by him in the 12th paragraph of his letter, that if the provisions of the Act are rigidly applied on the present occasion, no additional Military force would be needed to preserve the peace of the District. I would, however, submit for the consideration of Government the desirableness and prudence of removing by sea those who may be sentenced to banishment, unless such removal should be deemed to vitiate or likely to vitiate the sentences passed. In this latter case I would recommend that they be under an escort of the Mysore Horse, and a strong guard of Peons, conveyed to the Presidency through Mysore and Bangalore.

16. In the 12th and following paragraphs of his letter, Mr. Collett proposes to enforce the provisions of Section VII against seven Amshoms.

These Amshoms can only be considered obnoxious to the penalties of this provision, because the assassins passed through them and lodged in them during their brief career, after the escape of the convicts from the jail. The words shall have been resident at the time of the commission of such outrage, being deemed to give sanction to such an interpretation.

17. If the Government are of opinion that this interpretation is correct, I would beg leave to recommend that the Cutcherry Amshom of the Calicut Taluk be added to the list of those to be fined, and that a fine of 1,500 Rupees be placed upon it. The parties resident in it are not men of wealth; but the 1st and 2nd prisoners in case No. 15 are said to possess a house and lands in the Amshom, valued at about Rupees 500.

Digitized by Google

It was in these premises that the assassins were concealed and feasted during the two days previous to the assassination, and from thence they at once proceeded to the place of assassination. It would be well, as a mark of infamy, that the houses be razed to the ground, and if the jail be transferred, as it has been suggested, to the neighborhood, that the place be used as a place of execution.

18. But if the word reside is taken in its natural and usual sense, which though implying an indefinite time, means something more than a traveller or stranger passing through, or halting, lodging, staying for a day or two at a place; then the passage must have a more restricted scope, and its penal consequences be confined to the Amshoms in which the assassins were either born or brought up, or in which they had emigrated to and had lived previous to the commission of the murder of the late Mr. Conolly.

19. Under the rule which requires all penal Laws to be strictly interpreted, I incline to the latter interpretation, and consider that only those Amshoms in which the criminals actually lived or to which they belonged, are liable. These are given below, with the extent of the popu-

Taluks.	Amshoms.	Jumma of Fusly 1264.	Particulars of census.		Remarks.
			Total population of Parish.	Proportion of Moplahs.	
		RS.	No.	No.	
Ernaad............	Munjerry......	4,754	5,484	2,471	The assassin Tenoo was born in the Amshom of Neminy and usually resided in the Amshom of Melatoor, Neminy and Kariawattom, and it was to these Amshoms he resorted and passed some days before he set out with his companions to commit the outrage, the subject of the inquiry Yemalloo was born, it is said, in Valacode of Shernaad Taluk, but from boyhood always resided in the Village of Anacayom in Amshom of Munjerry in Ernaad. Chemben Moideen Cootty was born in Vengara Amshom in the Taluk of Shernaad, and lived there.
Walloowanaad...	Neminy.........	4,572	4,612	2,347	
,,	Kariawattom .	4,272	3,341	1,733	
,,	Melatoor... ...	3,926	2,949	936	
,,	Pandikaad.....	4,100	4,378	1,788	
Shernaad.	Vengara.	4,854	6,247	4,043	
Betutnaad.........	Talakaad	4,593	4,440	2,244	
,,	Porratoor......	4,907	2,896	1,000	

Vellatayedata Parambil Moideen was born in Talakaad Amshom of Betutnaad. One of his wives lived in the Talakaad Amshom of Betutnaad and another in Porratoor Amshom of Betutnaad.

Avera lived in the Pandikaad Amshom of Walloowanaad.

lation, &c. It will be seen that four of these Amshoms are already men-

Digitized by Google

tioned by Mr. Collett; in regard to the remaining four, I have requested him to state the amount of fine he would recommend, and the grounds of his recommendation.

20. Mr. Collett has shown how the fines might be assessed, and I think no better way of distributing them could be devised. The fines should be levied at once and not left to be collected by instalments; when not paid, the property of the defaulter should be immediately brought to sale.

21. I would beg leave to draw the attention of Government to Mr. Collett's remark in the 19th paragraph of his letter, and to urge that the detachment of Europeans at Malliapooram be always kept up to the full complement, and that only effective men be drafted into it. I would hope that the example that is to be made on the present occasion among the active sympathizers in the late outrage, the opening up of the roads with other material improvements carried out in the disaffected Taluks, the introduction of the Railroad and Telegraph, may render it unnecessary to call for the aid of these Troops; but, for some time to come, I fear their presence will be necessary to overawe and keep in check the disorderly and evil disposed.

22. I concur with Mr. Collett that it is very desirable, if it is not absolutely necessary, as a precaution, that there should always be located in the Taluks of Walloowanaad, Shernaad and Ernaad, a European Officer of some experience and judgment, whose duty it should be frequently to be on the move and always accessible to all sorts of people and reports. He might do much to allay irritation. His knowledge of the character and disposition of the people would be invaluable, and he would be able to suggest and carry out the material improvements of which this part of the country stands in need.

23. Malabar, it appears to me, should never be without its full complement of Assistants. The duties of the District are numerous, various and laborious, and any reduction in the staff of Assistants throws such a quantity of detail work, both Police and miscellaneous, on the Collector and Magistrate, as utterly to preclude him giving his attention to more important duties.

The re-organization of the Police, referred to in the 20th paragraph, will form the subject of a separate communication.

24. In the concluding paragraph of their Proceedings the Government remark on the want of more frequent and full information from the District authorities regarding the state of the country and the pro-

Digitized by Google

gress of the inquiry. I feel sorry that we should have been considered to have merited this censure, and I must apologize for my omission and neglect to meet the wishes and expectation of Government.

25. The country was tranquil and crime less frequent than usua, especially crimes of the more serious kind. A whole month passed without the committal to the Session Court of a single case, a remarkable occurrence in Calicut, and though a feeling of security had not been perfectly established, there was no immediate cause of alarm.

26. A grain *emeute*, chiefly occasioned by the Sepoys of the 3rd Regiment, occurred at Palghaut, but was immediately suppressed. Some of the criminals were apprehended and have been brought to trial before the Sessions Court. This was wholly a local disturbance and did not in any way affect the peace of the District.

27. The escape of a Moplah from the jail occasioned at the time a little excitement in the town of Calicut. I was at the time in the District and obtained intelligence of the escape late in the forenoon of Sunday the 6th January last. I was at that time sixteen miles away from my Cutcherry servants, who had preceded me to be ready for me the next morning. When I joined them before 6 A. M., I was informed convict had been re-apprehended.

28. Under these circumstances, I did not consider it necessary to make any special report regarding the state of the District.

29. High prices have led to an increase of crimes against property, and murders have been more frequent of late, but the general peace of the District is undisturbed, and the feeling of insecurity which prevailed at one time, has very much abated.

30. In regard to Mr. Collett submitting no report of the progress of his inquiry, I believe that he was partly awaiting the final issue of the reference regarding the Act, but he was, I am aware, laboriously engaged, even to the detriment of his health, in collecting, arranging, and preparing the materials for the memoranda now submitted. The difficulties he had to contend with in eliciting the information placed before Government, meagre and deficient as it is, no one can form a conception of, who has not had to deal with this peculiar people. His experience taught him that Moplahs had the information he needed, but how to obtain it was the difficulty. Every clue, however, unpromising, had to be followed up in every conceivable direction. Every word weighed, and care taken that no improper or illegal attempt was made

Digitized by Google

by the Police to elicit information by force or by false promises, and then to sift this, to consider and arrange the statements of the hundreds examined by him, was no easy task. His late inquiries had elicited no new facts, though the information obtained confirmed his impressions and former views. It was his desire, therefore, to close the inquiry and submit his final report as early as possible, but the doubt as to the tribunal from which the final sentences were to issue, increased his difficulties and occasioned some delay.

It is impossible to give on paper an idea of the amount of labor bestowed by Mr. Collett on this inquiry, or the anxiety it has occasioned him; but I am fain to believe that when Government shall be in possession of all the records of his inquiries, which will be sent as early as practicable, they will be disposed to relieve him of any portion of the censure implied in the remarks which have called for this explanation.

No. 59.

CALICUT, 14*th February* 1856.

From C. COLLETT, Esq.,

Joint Magistrate of Malabar.

To T. CLARKE, Esq.,

Magistrate of Malabar, Calicut.

Sir,—In obedience to the orders of Government in Extract from the Minutes of Consultation, under date the 14th January 1856, I have now the honor to submit memoranda containing full abstracts of the evidence procured in the different cases alluded to in my letter of 7th January, and giving also the reasons for the recommendations which I would beg leave to make with regard to the application of Act XXIII of 1854 to each case.

Nos. 1 to 24.

2. I would, though, first beg leave to offer a few words of explanation with reference to the Extract of the Minutes of Consultation under date the 28th January. I regret to find that there was such a want of precision in the terms I employed with reference to the exercise by Government of the provisions of Act XXIII of 1854. When referring to the "punishment" of the persons mentioned in my letter of 7th

Digitized by Google

January, I intended to allude to the power of deporting parties of whose complicity in the late outrage there could be no moral doubt.

3. When speaking of the difficulty of procuring evidence in strict legal form, I took the liberty to suggest in paragraph 25 of my letter of 21st September 1855, that "Sections IV and V of the Act should be "chiefly put in force, and that (as it appears to my humble judgment "the preamble of Regulation II of 1819, will fully allow of) all per-"sons of whose complicity there can, on inquiry, be no room for moral "doubt, should be deported from the country on the recommendation of "the Magistracy, the term and rigour of their detention varying with "the degree of their guilt." In remarking upon this letter, the Government in their Extract of Minutes of Consultation, dated 3rd October 1855, paragraph 9, observed that, "when the testimony obtainable, "though sufficient to remove all doubt, may not amount to strict legal "proof, the case should be reported to Government with full particulars, "and it will be for them to consider whether the parties should be sub-"jected to the provisions of Section IV of the Act, and placed in con-"finement either in the Malabar Zillah or any other."

4. The above Extract from the Minutes of Consultation, together apparently with the paragraphs of my letter alluded to, was sent to the Government Pleader, who, in his reply dated 5th October, seemed fully to concur in the view taken of the powers of Government under the Act, and remarked that, "if for any reason which is satisfactory to the "Governor in Council, he deems it expedient to proceed against the "accused as though they were persons who had committed *State* offen-"ces, he may apply the provisions of Regulation II of 1819 to them, "and deal with them without trial."

5. It was this exercise of the provisions of the Act (in case its action should be thrown back by means of a declaratory Act to the requisite date) that I had in view when I was led to make use of terms properly applicable to the results of a trial. I have brought into one view the above passages more especially, because I notice that in paragraph 9 of Extract of Minutes of Consultation, dated the 28th January, it is remarked, that, secondly, Government is empowered to deport "any "persons charged with, or suspected of an intention to commit any "offence punishable under the Act." This punctuation is probably merely a clerical error, though of importance enough, I trust, to excuse my noticing it, as from the Extract of Minutes of Consultation, dated the 3rd October, and the opinion of Mr. Norton quoted, it would seem

Digitized by Google

that the IVth Section should be read thus: "The Governor in Council "shall have, with respect to the confinement or trial of any person "charged with any offence punishable under this Act, or suspected of an ntention to commit any offence punishable under this Act, the powers, &c." This reading seems to be supported by the printed Act as well as the history of the enactment. The object sought was, I believe, to provide against the difficulty (as was found in regard to State offences) of procuring evidence to complicity in these outrages by the application of a comprehensive law, and also to extend the same to the special difficulty, as regards Moplah outbreaks, of the cases of persons suspected of an intention hereafter to commit or incite to such outrages.

6. Though the Government have expressed their intention of selecting some of the cases, I have thought it my duty to state distinctly in the memorandum on each case, how I would beg to suggest that each prisoner should be disposed of, as I have presumed that it would be expected of me to give a definite opinion about each. Bearing in mind the intention of Government, I have, though, released, or proposed merely a requisition of security for as many as possible. The number of the remainder may appear large; but when the length of time for which the assassins were at large, the extent of country they traversed, and the number of persons who were privy to their designs are considered, it will not be deemed, I trust, excessive. There are none of those whom I have recommended to be deported or confined whose release I could at all advise. Where I have recommended, as I have occasionally done, that security should be required under the ordinary powers of a Magistrate conferred by Regulation VI of 1827, I have not been so precise. Where the requisition of security is for good behavior, it will be necessary to take evidence in the usual manner to general character, the conduct of the prisoner on this and any other occasion being also taken into consideration in arriving at a decision. These sentences would be subject to the usual revision by the Courts.

7. As Regulation II of 1819 leaves the period for which prisoners may be confined under its provisions at the discretion of Government, it has appeared to me quite competent for Government in ordering the confinement of any prisoner to hold out to him the prospect of release after a definite period, provided the prisoner conducts himself properly in the interval. It would too, in my judgment, have a good effect to distinguish thus between the cases of the different prisoners; and with this view, I have frequently suggested a period after which the prisoners

Digitized by Google

might, if well conducted, be released. The warrant might still be in the form provided, and a note of the period conditionally fixed, if entered in the periodical reports required in the IIIrd and IVth Sections, Regulation II of 1819 would be sufficient. In the cases of other prisoners, I think it would be advantageous to let it be known that no such prospect of release after a specified period can be held out to them.

8. Regulation II of 1819 had reference to the confinement of persons in a very different condition of life to the present prisoners; but as it seems to me quite clear that Section IV, Regulation II of 1819 leaves the treatment of these prisoners entirely at the discretion of Government, I would beg leave to suggest that, in consideration of their circumstances in life, all persons to be now deported from Malabar should be treated as regards lodging, diet, employment and restraint, in every respect, similarly to ordinary persons confined for heinous offences. It will too, I would submit, be highly desirable to confine these prisoners in separate parties, in different jails, where they can have no communication with other inhabitants of Malabar. I would therefore suggest, that no jails south of Madras should be selected for this purpose. Moplahs constantly go across the peninsula to Nagore, and communication would be sure to be kept up if they were confined in the Tamil provinces. Removal to a distance, while it would add nothing to the severity of the confinement, would add greatly to the beneficial effect it had upon the other Moplahs of Malabar. I would, therefore, beg leave to suggest the distribution of these prisoners among the jails of Bellary, Cuddapah, Kurnool, Rajahmundry and Vizagapatam. It might, with good effect, be arranged that the precise jail in which each person is to be confined should not be known in Malabar.

9. There are also twenty-two persons who are unconnected with the cases now submitted to Government, or against whom there is no sufficient evidence of complicity on the present occasion, but whose former character is such, that it will, I think, be desirable to require them to furnish some security for their good behavior. These persons are, most of them, relations of the assassins Valacherry Emalu and Chemban Moideen Kutti, and in their cases the fact of their relationship renders it extremely probable that they communicated with the assassins. I have no doubt whatever of this in the case of some of the relatives of both the abovementioned assassins, though I have been quite unable to secure any satisfactory evidence on this point. I am now proceeding to examine evidence to their general character, and propose to dispose of their cases

Digitized by Google

under the provisions of Regulation VI of 1827. I have not therefore thought it necessary further to occupy the time of Government by going into their cases in detail.

10. The memoranda, which form the enclosures to this letter, will, I hope, be found to contain full abstracts of the evidence forthcoming in each case. The translation of the depositions has been for sometime in progress, and they shall be forwarded as soon as practicable. I would not, though, delay on this account the transmission of this letter and the memoranda. For the sake of convenience I have headed each memorandum by an abstract of the matter against each prisoner in the form of a charge. For brevity sake, I have used the term "to die as Shahids or Martyrs" to express the fanatical act of murdering persons of other religions, and dying in an encounter with the Police or Troops under a belief of the religious merit of so doing. The fact of a person being cognizant of the intention of others to commit these or similar crimes, and neglecting to give timely intelligence to the proper authorities, having been specially declared by the Foujdaree Udalut in their Proceedings, dated 17th December 1851, to be itself a crime, and this opinion carefully made known in Malabar in 1852, I have especially referred to this omission on the part of the prisoners. The time and places at which the prisoners concerned after the murder aided and abetted the assassins being various, I have been compelled to separate the prisoners before included in case No. 16, and they are now comprised in the cases numbered from 16 to 24. I trust to be excused for some delay in submitting these papers; but latterly continual ill-health has a good deal interfered with my preparation of them.

11. I have made considerable inquiry, but without success, to ascertain the existence of a previous plot to murder Mr. Conolly in revenge for having deported the Tangul. This was the great motive assigned and that which secured to the assassins such an universal welcome. The Tangul has certainly been most anxious to return to Malabar; his disappointment, at finding the letter from the Ambassador at Constantinople of no avail, was very great. Moplahs have largely communicated with him since, but I have nothing beyond suspicion against some, who I know have done so. There could have been only a general conspiracy, and the occasion of the escape of these men taken advantage of; for they had resolved upon the murder and put forward this motive by at latest the 18th August. The communication with Arabia is constant, considerable and rapid; the details of the recent disturbances at Mecca and Jedda, and

Digitized by Google

a rumour of the intention to attack Aden, were received in Calicut some days before the matter was referred to in the public prints of Bombay.

12. Merely on account of the proposed application of Act XXIII of 1854 there is not, I think, any necessity for the presence of a stronger Military force. There will be no difficulty, I anticipate, in removing the prisoners ordered to be deported, and the mere fact of the Act being applied, will do more than any thing else to subdue the feelings of the Moplahs generally, and to teach them that Government is determined to put a stop to all such outrages in future. The only part of its application which might possibly be attended with difficulty, would be the levying of the fines on the Amshoms, under Section VII of the Act; but the proof of the Act being vigorously applied in deporting persons, will check any tendency to opposition. The Amshoms to be fined might be selected and probably it would be sufficient to take five or six as an example. The Amshoms which have become liable to the provisions are those included in list A in the margin. Of these there might be selected the following: (1) Neminy, (2) Kariawattom in the Walloowanaad Taluk, (3) Kodoowayoor in the Shernaad Taluk, (4) Talakaad, (5) Kaypagancherry and (6) Koymanom in the Betutnaad and (7) Keddawoor or Tambercherry in the Calicut Taluk.

List A.

Taluk.	Amshom.	Jumma of Fusly 1264.	Particulars of census.	
			Total population of Parish.	Proportion of Moplahs.
		Rs.	No.	No.
Calicut.	Catcherry	3,952	4,305	496
	Chooloor.........	2,145	2,869	425
	Kottavallee........	2,510	3,354	1,636
	Keddawoor	2,514	1,499	512
	Tiroombaddy	1,781	1,481	37
Ernaad.	Chikod	4,032	4,178	1,893
	Iroombooye..	5,267	3,956	1,535
	Manjerry...........	4,754	5,484	2,471
Walloowanaad.	Palleeprom	3,940	2,973	1,371
	Neminy..	4,572	4,612	2,347
	Kariawattom	4,272	3,341	1,733
	Chembrasherry.....	3,023	3,146	1,253
	Melatoor	3,926	2,949	936
	Pandikaad	4,100	4,378	1,788
	Vettatoor..........	4,658	3,808	1,576
Shernaad.	Melnroory	5,276	6,850	4,772
	Kannamangalom...	2,491	3,808	2,055
	Kodoowayoor	4,012	6,418	4,248
	Trikollom	3,012	6,612	4,945
	Nanambra	4,939	4,561	2,934
	Vengara	4,854	6,247	4,043
Betutnaad.	Talakaad	4,593	4,440	2,244
	Porratoor	4,907	2,896	1,000
	Kaypagancherry ...	3,605	2,833	2,249
	Koymanom	2,769	2,495	1,581
	Vaddakambra	5,136	3,914	1,496

13. Of these the first and second Amshoms are those in which the assassins remained from the 7th till the 16th August, and where the fact of their presence and designs must have been known to many. I have selected these two

Amshoms because their population contains a large proportion of Moplahs, and as the inhabitants of this part of the Province require an example, I have chosen these two Amshoms in which the inhabitants have behaved worst and must have had more generally a knowledge of the movements and designs of the assassins, than those of any other parish in this Taluk of Walloowanaad, or in the adjacent and similar one of Ernaad. I would recommend a fine of Rupees 2,000 from each Amshom.

14. In the third Amshom is situated the tomb of the Tangul, where the assassins prayed on the 24th August (case No. 5), and where it is clear from the evidence in that case the fact of the visit and the designs of the assassins became generally known. In this Amshom also resides a married sister of the assassin, Chemban Moideen Kutti; and in her house or the adjacent jungle, there can be no doubt the assassins were in the day-time of the 24th August. The sister of the assassin admitted they came to her house on the 24th, both in the morning and the evening; but states that they stayed in the jungle during the day. I procured evidence, though not very satisfactory, that they stayed in her house during the day. Her husband could not be implicated, and the woman is not worth punishing. I would propose a fine of Rupees 3,000 on this Amshom. The population of this parish contains 6,418 souls, of whom 4,248 are Moplahs. The jumma does not duly represent its wealth, as there is a considerable trade in which Moplahs are chiefly engaged. This parish and the adjoining town of Tiroovangaddy have long been the very centre of fanaticism in this Taluk, and while the Tangul resided in the parish, it was of course the fountain-head of such doctrines.

15. The fourth Amshom includes the town of Poodiangaddy, (case No. 7). I think the people of this place should be well fined. The parish contains 4,440 people, rather more than half of whom are Moplahs; but the town is on the great highway from Calicut to Palghaut, has much trade, and the inhabitants have property in other Amshoms. Regulation II of 1819 only provides for the attachment of the property of persons deported, but not with the ultimate object of its being forfeited to Government. I am not aware, though, that in levying a fine on an Amshom generally under Section VII of the Act, there is any objection to levying a portion of it from any person who may be deported under Section IV. I would therefore propose, as the 5th, 6th and 7th prisoners in case No. 7 are persons of property, that part of the fine imposed on the

Digitized by Google

inhabitants of the Amshom generally should be levied from them. I would, with this view, impose a fine of Rupees 12,000 on this Amshom, and levy Rupees 7,000 from the property of the 5th, 6th and 7th prisoners. As nearly as I can ascertain without a minute inquiry, the property belonging to these persons is worth from 12,000 to 15,000 Rupees.

16. The fifth and sixth Amshoms are those in which are the Tayala bazar and the Mambra tomb (case No. 9). In this case, in like manner, the 11th and 12th prisoners are men of great property, I would therefore recommend a fine of Rupees 25,000 on these two Amshoms, of which sum Rupees 20,000 to be levied from 11th and 12th prisoners, who reside in the fifth or Kaypagancherry Amshom, and the balance, Rupees 5,000, from the other inhabitants of the two Amshoms in equal shares. The fifth Amshom contains 2,833 persons, of whom 2,249 are Moplahs. The sixth Amshom has 2,495, of whom 1,581 are Moplahs. They are chiefly agriculturists. The property of the 11th and 12th prisoners is at a low estimate worth Rupees 40,000, but I believe that it might be named at a much higher figure.

17. The seventh Amshom is that referred to in case No. 21, and I would recommend a fine of Rupees 1,000; the prisoners Nos. 4 to 14th in that case being specially included, as recommended in my memorandum on the case. The amount is fixed with reference to the number (512 out of a total of 1,499) and condition of the Moplah inhabitants.

18. The fines might be levied either at once or by instalments, to be paid like revenue kists. The first seems the most effective plan and should be easily practicable where the fines are not (as I believe none of them are) excessive. The inhabitants of each Amshom selected being assembled, and the order of Government announced, there might be chosen from 50 to 100 persons among whom the fine should be divided according to their circumstances in life. The money should be paid within twenty-four hours, or property attached and sold as for arrears of revenue. If the apportioning of the fine is done openly, the burden will be pretty sure to be fairly distributed. A larger proportion of the fines should fall on those residing nearest the part of the parish where the assassins may have been harbored, and the burden must fall on Mookistans, Pramannies and such men, who, from their position and intelligence, have means of gaining information, and who, as soon as they *feel* that it is for their interests to do so, will become as desirous as they have always been capable of discountenancing these seditious doctrines, and effectually checking these infernal practices. The fine should be levied on the spot

Digitized by Google

and the Act being otherwise carried into effect, the presence on the spot of a party from the Police Corps would, I think, remove any temptation to resistance.

19. It would, though, I think, be right to bring to the notice of Government the state of the Military force in the province. There is at present the wing of a European Regiment at Cannanore, from whence few men could be spared. When there was an entire Regiment there, the company detached at Malliapooram was always kept up to the full number of about 120 men of all ranks, and it was, I have understood, the custom to remove the sickly and men of bad character, filling up the number with volunteers, and the company was thus complete in number, and all effective men. When the troops leave Malliapooram on service, they have to leave a guard over the Barracks and Magazine, this, with men in hospital, takes off a good many, and the number of men brought into use may have to be further diminished by a guard left in the camp. In directing the return to Cannanore of the Europeans now at Calicut, as might, I think, be done as soon as ever the orders of Government have been carried into effect. I would suggest that the company now at Malliapooram, which was the other day under ninety men, should be made up to what is considered a complete company, thus providing a force sufficient for any emergency that would probably occur. But I would beg leave to repeat that a thorough application of the provisions of the Act is the real and most effective way of securing the peace of the country.

20. I would too beg leave to press the consideration of a thorough re-organization of our present Police force, which I took the liberty of suggesting in my letter dated the 12th October 1855. Now the Taluk Peons from want of discipline and want of arms, are really good for nothing generally on these emergencies, and they might, I think, be made a good deal of with efficient training and weapons. My letter was confined to the project of improving our present force without any increase of permanent expenditure. Whether there might not also with advantage be some increase in numbers, if only for a few years, is another question, but as stated in paragraphs 15 to 19 of that letter, I believe much may be done towards putting down these affairs by at once checking them with well timed severity. A bad character who will not come in, or a desperate man, who has escaped or otherwise exhibits a disposition to give trouble, must be hunted down at once and without mercy. A severity which is uncalled for elsewhere on the part of a Magistrate, seems to be at times only necessary here. I may

Digitized by Google

perhaps be
assassins fr
ing to Mr.
sent out, eac
five common
bring the ma
been attend
difficulty w
such appare
elsewhere;
they had ne
the Magistr
of the pursu
am not adv
I refer only

Deduct dead in column 31 ......
Balance......

CALICUT,
25th February 1856.

Abstract showing disposition of prisoners.

	Total number of prisoners.				Number to be transported to other Zillahs.											Number to be punished, released, &c., in this Zillah.													Dead since decisions were written.	Prisoners now alive.			
						21 years.				7 years.								Security.				To be released unconditionally.		Dead.									
	Men.	Women.	Boys.	Total.	For life.	Men.	Boys.	14 years.	10 years.	Men.	Women.	5 years.	4 years.	3 years.	Total.	Women 2 years.	Men 1 year.	Security.	Security or 2 years.	Security or release.	Fine.	Men.	Women.	Men.	Women.	Not apprehended.	Included in other cases.	Total.		Men.	Women.	Boys.	Total.
	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35
om, ela- and }	18	2	...	20	4	...	...	...	1	5	...	...	1	2	13	...	...	...	2	...	...	1	2	2	...	...	...	7	2	14	2	...	16
	2	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	2	...	...	...	...	...
....	4	2	...	6	...	...	...	...	...	...	...	...	1	...	1	2	...	...	...	...	...	1	...	2	...	...	...	5	1	1	2	...	3
	1	...	...	1	...	...	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	1
	5	...	...	5	1	...	...	...	...	2	...	...	...	...	3	...	...	...	...	...	...	1	...	1	...	...	...	2	...	4	...	...	4
	[illegible]			[illegible]	1				[illegible]						[illegible]									1				1		7			7

....	0	...	...	0	1	...	...	...	0	...	...	...	...	...	7	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
....	22	3	...	25	4	...	...	...	...	...	...	...	...	2	6	1	...	12	...	...	...	4	1	...	1	...	...	19	1	21	2	...	23
....	1	4	...	5	...	1	...	...	...	...	...	...	...	...	1	4	...	...	...	...	...	...	...	...	...	...	...	4	...	1	4	...	5
...d	12	1	1	14	2	...	1	3	...	3	1	...	...	2	12	...	...	...	...	...	...	...	...	1	...	1	...	2	...	10	1	1	12
....	30	...	...	30	3	...	...	9	...	...	...	...	...	...	12	...	...	...	...	...	...	13	...	5	...	...	...	18	3	22	...	...	22
....	1	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	1	...	1	...	...	1
....	4	1	...	5	...	...	...	...	...	...	...	2	...	...	2	...	...	1	...	...	...	...	1	1	...	...	...	3	...	3	1	...	4
....	3	...	...	3	1	...	...	...	...	...	...	...	...	...	1	...	...	...	1	1	...	...	...	...	...	...	...	2	...	3	...	...	3
....	2	...	...	2	2	...	...	...	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	...	...	1
....	11	1	...	12	2	...	...	...	...	9	...	...	...	...	11	...	...	...	...	...	...	...	1	...	...	...	...	1	...	11	1	...	12
....	5	...	...	5	...	...	...	1	...	...	...	...	...	2	3	...	...	...	...	...	...	...	...	1	...	...	1	2	...	3	...	...	3
....	1	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	1	...	...	...	...	...
....	1	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	1	...	1	...	...	1
....	2	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	2	...	2	...	...	2
....	2	...	...	2	...	...	...	...	...	...	...	...	...	2	2	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	...	...	1
....	14	...	...	14	...	...	...	...	...	...	...	2	...	1	3	...	...	...	...	...	11	...	...	...	...	...	...	11	...	14	...	...	14
....	1	...	...	1	...	...	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	1
....	2	...	...	2	...	...	...	...	...	...	...	2	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	...	2
....	1	...	...	1	...	...	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	1
...	153	14	1	168	20	1	1	15	7	20	1	6	2	11	84	7	1	16	3	1	11	20	5	15	1		3	84	9	125	13	1	139
...	3	...	...	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3	3					
...	1	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	1					
...	15	1	...	16	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	15	1	...	...	16					
...	134	13	1	148	20	1	1	15	7	20	1	6	2	11	84	7	1	16	3	1	11	20	5	...	...	...	...	64					
	9	...	...	9	4	...	...	1	1	...	...	...	1	1	8	...	...	...	...	...	...	1	...	...	...	...	...	1					
...	125	13	1	139	16	1	1	14	6	20	1	6	1	10	76	7	1	16	3	1	11	19	5	...	...	...	...	63					

(Signed) T. CLARKE,
Magistrate.

Digitized by Google

MINUTE BY THE RIGHT HONORABLE THE PRESIDENT, *14th March* 1856.

Mr. Collett has now forwarded to Government through the Collector of Malabar, his memoranda and the proceedings in the cases on which he has previously reported generally, which had reference to the murder of Mr. Conolly.

These documents show the infinite pains which Mr. Collett has taken, and the labor he has undergone in carrying on this investigation.

The course followed by the assassins from the date of their escape to the time of their death is, with some few interruptions, successfully traced, and though here and there proofs of identity cannot be produced; yet no candid or impartial mind can have any doubt of the fact.

The impression which a careful perusal of these papers has left on my mind is, that a large number of the persons, who are mentioned in these proceedings, as prisoners as well as some of the witnesses, were not only cognizant of the fact that these five armed men had escaped from jail, and assisted in concealing them; but also that they were aware that they were about to do some desperate deed, to attempt the life of the Collector and then to die as martyrs.

This is positively stated by some of the witnesses, and confessed by some of the prisoners; and there are many circumstances mentioned, which must lead by inference to the same conclusion.

Mr. Collett proposes to bring the Act XXVII of 1854 to bear on the persons, who are now in custody, and to inflict punishment.

1. By deportation of a certain specified number for separate terms of years.
2. By holding others to bail for their good conduct.
3. By fining the Amshoms or parishes, through which the assassins and in which it would appear that they were cordially received, concealed, and encouraged.

The Sub-Collector proposes to deport in all eighty-four persons.

The Collector modifies this view, and recommends thirty-nine, that is all named by the Sub-Collector for periods above seven years.

It is clear to me that both the Collector and Sub-Collector have taken an erroneous view of the powers possessed by Government, under Regulation II of 1819, and that the opinion given by the Chief Secretary in his memorandum is correct.

The Regulation is not punitive but preventive in its intentions, and Government can only detain persons in custody under its provisions

Digitized by Google

on the supposition that there is a probability of their taking part in deeds of a character similar to that which has lately occurred.

Had Government even been possessed of the power of punishment to the extent supposed, I should have been disinclined to include so large a number as that proposed by the Sub-Collector under its penalties.

Neither with this view of the intentions of the law can Government take the limit proposed by the Collector.

It appears to me, however, that the information given by Mr. Collett in these proceedings is so full respecting the characters of the several persons mentioned, that it will not be difficult for Government to fix on those who are likely to create any further disturbance, or to encourage others to murder, or other atrocious outrages.

I will mention those who appear to me to be of this character, giving their numbers in the order of the cases in which they occur.

Should those persons be eventually fixed on, it would be advisable that notes of their characters should be taken from the Sub-Collector's reports, and also of his opinion as to the term of imprisonment to be awarded to each.

Case No.	Prisoners Nos.
1	1, 2, 5, 18.
5	1, 3, 4.
6	1.
7	5, 6, 7.
9	1, 2, 11, 12.
10	1, 3.
12	1, 2.
13	1, 2.
14	1, 2.
15	1, 2, 3, 12.
16	1, 2, 5.
20	1, 2.
21	1, 2, 3.
22	1.
23	1, 2.
24	1.

It will be for the Magistrate to determine how many of the remaining prisoners he will hold to security.

Digitized by Google

I am not disposed to bias his judgment or to limit his discretion in this matter ; nevertheless, I would remark that this power should be exercised with caution, and that imprisonments under it should not be lengthened out, as the result will be that suspected characters will be driven to desperation and will perpetrate deeds, which under other circumstances they would not contemplate.

Lastly, the Sub Collector proposes to fine the Amshoms or parishes in which these assassins were harbored.

I fully approve of this proposal, and believe that this proceeding is likely to have a much greater effect than any other punishment.

Certain sums are mentioned by Mr. Collett, which he suggests should be paid by the several Amshoms; but he does not give any reasons for allotting these specific sums, neither does he appear to have previously settled upon any one particular sum, which could, on good grounds, be fixed on as the amount which ought to be paid.

I think such a sum may be mentioned, and with good reason.

It is known, not officially, but privately, that the Honorable Court have resolved to present Mrs. Conolly with a sum of £500, and with a pension of £200 per annum. I think that it is only just that the persons who were in any way aiding and abetting in the murder of her husband, should be required to meet this demand, and that it should not fall on the general mass of tax-payers.

The pension of £200 per annum would be met by a sum of £5,000, so that the fine in all would amount to 55,000 Rupees.

It so happens, that this does not greatly exceed the total amount proposed by Mr. Collett.

The apportionment should be left to the Collector and Sub-Collector, and immediate payment should be required.

The Collector mentions a difficulty respecting the wording of the Act in Section VII, with reference to what should be considered as residence.

It appears to me that an Act of this nature, which was essentially experimental when it was passed, must be construed with such latitude as to make it thoroughly operative.

If residence is to be taken in the strict sense of the locality where a man generally resides, it is clear that great injustice may be committed by causing the fine to fall exclusively on such locality.

I am of opinion that each Amshom, in which it is shown that the assassins were harbored and found an asylum, should be brought under

Digitized by Google

the penalties of the Act, and I see nothing in the act to forbid this construction.

Mr. Collett's suggestions respecting the allocution of the prisoners appear sound, except as regards their treatment, which can only be that of political offenders.

I think it would have a good effect, if a Steamer could be procured to convey them away. The Bombay Government might be applied to ascertain if they could lend one for a short time.

Some might be conveyed to Honore and thence to Bellary, others round to the Northern Circars.

I think it would be advisable that an address should be issued to the Moplah population by the order of Government, pointing out to them the results of this heinous crime, and that Government will carry out the penalties of the law to the fullest extent, that they must understand that they will not be permitted to perpetrate such atrocious crimes, but that they must conform themselves to the benefits of civilized life; moreover, that there is every desire on the part of Government to see that they have fair and impartial treatment; the opportunity might be taken to point out the return which has been made by Mr. Conolly's friends to Mr. Conolly's murderers by instituting scholarships for their children.

The Collector should be informed that Government are most anxious to help him both with assistance and in the reformation of the Police; but that it is out of their power to do either at present.

The opportunity should be seized for pointing out to the Government of India the state of affairs, upon requesting to be informed whether there is any prospect of the proposals of this Government respecting Uncovenanted Assistants, and an improved Police being acceded to.

The Collector should be invited to point out any lines of road, which it would be advisable to carry through the wild Districts of Malabar.

The Commander-in-Chief should be directed to see that the detachments of the 74th Highlanders at Calicut and Malliapooram, are at once placed in a thoroughly efficient state, so that a full half company could be employed on out-duty, leaving sufficient guards, &c., in camp at the former station, and a full whole company at the latter.

(Signed) HARRIS.

Digitized by Google

MINUTE BY THE HONORABLE SIR H. C. MONTGOMERY, Bart.

31st March 1856.

Having gone carefully through all the cases which have been forwarded by the Joint Magistrate of Malabar for the orders of Government, under the powers conferred by Act XXIII of 1854, and V of 1856. I will state the result of my examination of that Officer's proceedings, taking each of the twenty-four cases separately. In case No. 1, twenty persons are charged with aiding the assassins after their escape from jail, well knowing their designs. Of these twenty, four have died, three are females. Complicity against four is not sufficiently shown; two the Joint Magistrate proposes to deal with under the ordinary regulations, leaving seven to be removed from the District. I feel satisfied from the evidence, and the prisoner's statements, that the 1st, 2nd and 3rd prisoners did knowingly aid and harbor the assassins; that the 5th, a man of bad character, was in communication with them, and aided them in their escape from jail; that the 13th also harbored them in his house; the 15th was there when he received them; and the 18th by a Mookistan of the adjoining Amshom, and having ascertained the assassins were at Pallipad neglected his duty, and thereby also aided them. The prisoners in this case are all more or less connected with some of the assassins, and the community to which they belong seem to be ill disposed and dangerous. I would deport the seven noted in the margin.

Case No. 1—Prisoners 1,2,3,5,13,15,18.

The accused in case No. 2 are both dead.

The 2nd and 3rd prisoners, in case No. 3, admit having received the assassins, and their having disclosed their intentions. The 1st, 4th and 6th are dead. The 5th prisoner, of whose character the Joint Magistrate gives the worst report, has himself only just been released from jail, and has been three times held to security. There is reason to believe he planned and aided the escape of the assassins from jail. He should be deported. The 2nd and 3rd being women, may be released.

Case No. 3—Prisoner No. 5.

There seems no question as to this prisoner having harbored and aided the assassins, and every reason to believe he was fully aware of their intentions. He should be deported as recommended by Mr. Collett.

Case No. 4—Prisoner No. 1.

The 1st prisoner in this case is the Priest at the old Tangul's tomb. There is no doubt of the assassins having come to the tomb and prayed there; and there is evidence of their disclosing their intentions against the

Digitized by Google

Magistrate to the 1st prisoner, who by his conduct encouraged them. The 2nd prisoner is dead. The 3rd and 4th are influential persons connected with the Tangul, who must have been aware of the visit of the four Moplahs and the object of it. One of them, the 3rd, is a Mookistan, and both reside close to the tomb, and both were specially warned to look out for the assassins. It seems quite necessary that these three men should be removed from the District. The 5th may be released.

Case No. 5—Prisoners Nos. 1,3,4.

The 1st prisoner, who completely fails to prove and alike denies that the five Moplahs (including the Barber boy) were fed and well treated in his house after leaving the Tangul's tomb, though his wife and child testify to their visit, as does also the 4th prisoner. The 6th prisoner is dead. The other prisoners visited the assassins while concealed in the upstair house of the 1st prisoner. As it is proposed to impose a fine on this Amshom, it will probably be sufficient to deport the 1st prisoner ; release the others.

Case No. 6—Prisoner No. 1.

Of the assassins having halted and been entertained in the house of the 1st prisoner, there is no doubt whatever; but he is dead, and the Joint Magistrate proposes that his wife, 2nd prisoner, be released; 4th prisoner is also dead. The 3rd is the divorced wife of the assassin Moideen. The Joint Magistrate advises her being imprisoned for two years, because she received money on being divorced. I think under these circumstances she should be released. The conduct of the 5th prisoner is very suspicious. He was aware of the criminals being in the place as he admits, and yet did not do anything for their apprehension, though he is evidently an influential man who could have raised any number of persons to assist him in apprehending them. Not only this, but he misled the Police as to the direction they had taken, and though he certainly gave information to the Taluk Cutcherry, he allowed for the criminals having full time for escape. The 6th prisoner is the son of the 5th and an old associate of the criminal Moideen. The 7th is the brother of the 5th, and according to Joint Magistrate's account all bear very bad characters. The 2nd prisoner states, it was by direction of 5th and 7th she prepared food for the criminals, and they were brought to 1st prisoner's house by 5th, 6th and 7th. The complicity of these three is sufficiently established to justify their deportation. The 8th and 9th should be released.

Case No. 7—Prisoners Nos. 5, 6, 7.

Digitized by Google

The Joint Magistrate, who has decided this case, proposes to deal with those in division B according to the ordinary regulations. The 7th in that list is the sexton of the southern mosque at which ceremonies were performed by the assassins, and I am not satisfied that he should be allowed to remain in Malabar.

Case No. 8.—Prisoner No. 1.

The 1st prisoner in case No. 8, brother of assassin Moideen, admits that the assassins came to his house, and that Moideen there divorced his 2nd wife, the 3rd prisoner, and gave her and 2nd prisoner money which was produced before the Joint Magistrate. The other prisoners all admit the coming to the house, the divorce and the receipt of money, and the evidence leaves no doubt. Had intimation been given to the officials, the assassins who avowed their mischievous intentions might easily have been apprehended; but as the Adighary, a Moplah, says they have assisted in their concealment by their co-religionists, the 1st prisoner should certainly be deported; the others being women, may be released.

Case No. 9.—Prisoners Nos. 1, 2, 4, 6, 7, 11, 12.

The 1st and 2nd prisoners accompanied the assassins to the Mambra tomb and there blessed their weapons; they also fed them and received money from them. The 4th prisoner admits having visited the tomb with the assassins, and that 5th, 7th and 8th were present. The 5th denies having gone, but says 4th, 6th, 7th and 8th did. The 8th is dead; but in his deposition implicated the 3rd, 4th, 5th and 7th, and admitted he knew the assassins and their object. The 1st and 2nd, when inquiries commenced, sent away the 1st and 2nd witnesses. The 1st, 11th and 12th are the most guilty; and the 11th was specially named in the anonymous letter of warning which Mr. Conolly received shortly before his murder. The 13th, 14th, and 10th should be released; also the 3rd and 5th, who are only implicated by the 8th the other seven should be deported.

The case against the prisoners in this instance rests on the evidence of four female witnesses, three of whom are closely related to some of the prisoners. They were unexpectedly called on to depose to what they knew by the Joint Magistrate himself at the village, where the assassins were believed to have halted, and by what was extracted from them by great perseverance and skill by Mr. Collett, it appears certain that the assassins were fed and entertained there by some of the prisoners, that they performed certain religious ceremonies at the mosque, accom-

Digitized by Google

panied by most of the prisoners, and that they avowed their design to murder the Collector and die as Shahids. Under ordinary circumstances, the evidence of two females was not, he thought, sufficient for conviction, but considering the manner in which it was extracted by the Joint Magistrate himself in this instance, that there was no time to concoct it, that the interest of the witnesses would prompt them to conceal and not to reveal what had passed, that it was testimony unwillingly given, and bears every appearance of truth, is in every part probable, and is confirmed by general belief. I think that the Joint Magistrate's recommendation should be confirmed, and that the ten prisoners, as numbered in the margin, should be deported. Of the first fifteen, the 1st, 3rd, 4th, 9th and 12th are dead. From 16th to 30th to be released.

Case No. 10—Prisoners Nos. 2, 5, 6, 7, 8, 10, 11, 13, 14, 15.

There are no grounds for the exercise of Act XXIII in case No. 11.

The 1st prisoner ferried the Moplahs a few days before the murder across the river. The 2nd is the Mookistan and lives close to the ferry. On complaint of the Taluk Officers of his negligence, he was sent for by Mr. Conolly a few days before the murder and warned to be specially vigilant regarding these men. Nothwithstanding he gave no intelligence, and it is in evidence that he cautioned his wife not to talk of the visit; considering their position and the great means these two men had of giving essential and efficacious aid to the Police they are greatly culpable, and I think, for example sake, they should be temporarily removed from the District. The 3rd, a female, and the 4th should be released; the 5th is dead.

The 1st prisoner ferried the Moplahs over his ferry, both on their going to and coming from Calicut, and had them fed on 6th September (the murder took place on 11th) at his dependant's house. Weapons were also found in his possession concealed, and there is strong reason for believing he received a sword from the assassins. The 2nd prisoner, who is also 5th prisoner in case No. 16, is the Mookistan, and endeavored to deceive the Police, and though aware of the Moplahs coming to his neighbourhood gave no information. The 1st was somewhat concerned in a former Moplah outbreak, and from Joint Magistrate's report is a dangerous man. Though the evidence against these persons is not convincing, there is much ground for belief that they were aware of the assassins' intentions, and aided them in some degree. The 1st and 2nd to be deported, the 3rd released.

Case No. 13—Prisoners Nos. 1, 2.

Digitized by Google

Both prisoners in this case admit that they aided the assassins and were aware of their designs. The 1st is dead. The 2nd had agreed to join the assassins, but subsequently at the advice of the 1st frigned sickness. There can be no doubt that the 2nd should be deported.

Case No. 14.—Prisoner No. 2.

There is ample testimony to show that the 1st and 2nd prisoners and the 12th, wife of 1st, harboured, the assassins at Calicut just previous to the murder, that a ceremony was performed by them at 1st prisoner's house, where, during the day, the assassins were concealed in the roof loft. It appears in evidence too that on the night of the murder the assassins were seen going towards Mr. Conolly's house from the direction of the 1st prisoner's house, and that the 1st prisoner, after the murder, made use of strong expressions in favor of the assassins, and the deed they had perpetrated. There can be no doubt of the complicity of the 1st, 2nd and 12th prisoners, and of their guilty knowledge of the designs of the assassins. The 3rd prisoner is termed Moolah in the 16th paragraph of Mr. Collett's letter, and is so entered in the lists, and if a Moollah, he would have taken a prominent part in the Neercha ceremony, and could not have been ignorant of its object. I would remove him from the District for a time, and deport the 1st and 2nd, releasing the 12th, a female. It does not appear that the others who attended the Neercha knew of the presence of the assassins, or is there any proof of their being aware of the object of the ceremony ; they should be released.

Case No. 15—Prisoners Nos. 1, 2, 3.

The 1st prisoner admits that after the murder the Moplahs came armed to his house, and that during his absence his wife fed them. Though he suspected they were the murderers and observed their arms, as he saw them when leaving his house, he did not mention their visit to any one. He admits, also, that the 3rd and 4th prisoners came to see the assassins at his house. The 3rd implicates the 1st; the 4th is the Mukry of the mosque, and admits the assassins slept there ; but, as he asserts, without his knowledge. Still he did not inform the Tahsildar when he saw him. The evidence is clear to the facts of the assassins having come to 1st prisoner's house, also to the mosque, and having been fed at the former, and visited there by the 3rd and 4th, and this after the news of the murder had reached the village. The 5th prisoner has been disposed of in case No. 13. The 2nd is dead. The other three, as named in margin, should be deported.

Case No. 16—Prisoners No. 1, 3, 4.

Digitized by Google

The single accused in case 17 is dead. The three in case 18 and 19 should be released.

Case No. 20—Prisoner No. 2.

In case 20 the 1st prisoner, who is dead, was Mukry of the Bhavat mosque at Calicut; where, it is proved, the Moplahs halted and were fed by 2nd prisoner's wife, his house being close to the mosque. I think the 2nd should be temporarily removed from the District.

Case No. 21—Prisoners Nos. 1 2.

The 1st prisoner is the Cazee, and the 2nd the Mukry of the mosque. By their own admission the assassins halted there, though they assert without their knowledge. This is highly improbable, and the evidence is to the contrary effect. The remaining twelve, including the 3rd, a shopman who sold rice to the prisoners, should be released. The 1st and 2nd deported.

Case No. 22—Prisoner No. 1

Prisoner admits that the assassins came armed to his house, and that he fed them, and pleads sickness as the cause of his not giving information. The evidence shows that prisoner was called from his field when the assassins arrived at his house, and that he conversed too with them. He should be removed.

The two prisoners in this case, No. 23, admit that the assassins came to their house and demanded food, which was given; but it is admitted the 1st prisoner went to the Tahsildar often, they had gone by the shortest probable route and gave him the first intimation. Both should be released.

Case No. 24—Prisoners No. 1

Had the one prisoner in this last case, No. 24, informed the Police that the assassins took him to show them the road through the jungle, it would have been credible that he was an unwilling guide; but when first questioned by the Police on the subject he denied all knowledge of the matter, and ultimately only stated the facts of the case, when he found his younger brother had related them. There can be no question of his full knowledge of who the five armed men were, and of their having not committed this foul murder; and had the prisoner given the information he was bound to afford to the Police, the capture of the assassins might then have been effected. He clearly greatly aided them knowingly, and should be deported.

Thus I should reduce to fifty the number of prisoners to be deported from Malabar and to be kept in custody, during the pleasure of

Digitized by Google

Government in the jails of Bellary, Cuddapah, Kurnool, Rajahmundry and Vizagapatam or Guntoor and Nellore, instead of these last named Districts. The release of any of these persons from confinement after a time, will depend upon the opinion of the Magistrate ; but it appears to me that under no circumstances should some of the chief of them be permitted ever to return to Malabar.

I fully concur in Mr. Collett's proposition to impose, under Section VII of the Act, fines on the Amshoms named by him, as well as on that styled the Cutcherry Amshom of Calicut, added by Mr. Clarke the Magistrate; and I think these fines should be at once collected in the manner recommended by Mr. Collett and not by instalments.

The property of the assassins, if any, should also be at once confiscated.

It appears to me that a portion, if not the whole amount, of the fines realized should be appropriated in conformity with the express intentions of clause VII, that is, "in the first place to the compensa-"tion of the parties aggrieved by such outrages, including therein com-"pensation to the family of any person dying by any such outrage for "the pecuniary loss occasioned or likely to be occasioned by such "death."

It is true the Honorable Court have conferred a small pension and a gratuity on the widow of the late Magistrate of Malabar, but that is but little compensation for the actual pecuniary losses the family have sustained, and, I think, the liberality of the Honorable Court should not be a bar to this Government according to the family of their servant, murdered on account of his zealous execution of their orders, that compensation to which they are entitled to receive according to the law.

Mr. Collett merits the best approbation of Government for his able execution of the very difficult and highly important duty that was entrusted to him. To his great exertions the Government are indebted for bringing to light the facts attending this foul murder, and the participation of those who were accessories to it both before and after its perpetration.

(Signed) H. C. MONTGOMERY.

Digitized by Google

MINUTE BY THE HONORABLE WALTER ELLIOT, 14*th* *April* 1856.

From the Magistrate of Malabar, 25th February 1856.

Mr. Clarke now forwards the evidence taken by Mr. Collett, the Joint Magistrate, in the several cases connected with the countenance and assistance afforded to the murderers of Mr. Conolly, in continuation of his report of the.—

Mr. Collett gives a memorandum of the conclusions drawn from the evidence in each case, with his view of the manner in which each prisoner should be disposed of. In a separate paper the evidence itself is recorded in extenso.

These memoranda and collections of evidence are forty-one in number; twenty-five of the former, and sixteen of the latter.

I have gone carefully through the whole of these, and will state the opinion I have formed on each separate case.

Case No. 1.

The first refers to the residence of the murderers in the Deshom or District of Pattecad, the native place of the assassin Tenoo, where they appear to have first sought refuge on their escape from the Calicut jail.

Twenty persons have been apprehended on the charge of harboring them, knowing them to have escaped from jail, and in some instances of being aware of their design to murder the Collector.

Of these, four have died since they were taken up; two being females are properly recommended to be released. Of the fourteen that remain, four are recommended to be imprisoned for lengthened periods, and ten for terms not exceeding seven years.

From Magistrate para.

Mr. Clarke recommends as a general measure that all those for whom Mr. Collett has proposed sentences not exceeding seven years should be released.

This would leave four individuals only to be dealt with.

I concur in the propriety of Mr. Collett's recommendation to deport the 1st, 2nd and 5th prisoners, all are men of bad character, some of them the former associates in crime of Tenoo, and likely to commit outrages again. All of them sheltered and actively abetted the escape of the assassins, and appear to have been cognizant of their murderous designs.

But the 3rd prisoner Chekoony stands in a different light. He was most unwilling in the first instance to have any intercourse with the assassins, and refused to admit them on the night of the 14th August. He is described as " a poor creature, much under the influence

Digitized by Google

of his uncle Tenoo." The chief evidence against him is his own admissions which appear to have been made without concealment or evasion, elicited doubtless through his feebleness of character. It is unnecessary to make an example of such a man. His removal is not required to ensure the peace of the District, and I propose that he should be released on security.

Among the remaining ten persons recommended by Mr. Clarke for release, there are various degrees of criminality. All were cognizant of the presence of the escaped prisoners in the Deshom. Nos. 11 and 12 were actively engaged with No. 1 in harboring them. No. 13 is to the full as guilty as his brother Pokero (No. 2), and from the evidence of his wife Patooma (14th No.), he must have known of the contemplated murder. He is not however described as a desperate character. Most of these appear to have been made prisoners from their relationship to the assassin Tenoo or his associates. As far as a knowledge of the presence of the escaped prisoner, and a failure to give information to the Police goes, almost all the witnesses are nearly as culpable as the prisoners. Even those who did not recognize, or who were not acquainted with the assassins saw that they were armed Moplahs skulking from observation and suspected them of evil designs.

There is, however, one of the minor prisoners, whom I would exempt from the proposed indemnity, and that is No. 18, V. Syed, the Mookistan or headman of the Mėlatoor Amshom. This man in virtue of his office was deputed by the Tahsildar to search for the prisoners, and it is clear, both from his own admissions and from other evidence, that he obtained information of their proceedings, which, if acted on promptly and communicated to the Tahsildar, would have probably led to their apprehension.

Such culpable neglect of duty and collusion with offenders should be severely visited, and I am of opinion that he should be returned amongst the number of those to be removed from the District under the Act.

Case No. 2. The only two persons apprehended in this case died in jail.

Six persons are concerned, of whom two are dead ; two are women ; against the 5th there is no sufficient evidence, and the Joint Magistrate only recommends that he shall *always* be held to security, a matter for the future consideration of the Magistrate ; and the 6th has died since the proceedings were closed.

Cae No. 3.

Digitized by Google

There remain only the two women ; and I see no reason for interfering with Mr. Clarke's general recommendation for releasing all the minor offenders.

The single prisoner in No. 4 is brother-in-law of one of the murderers, who undoubtedly harbored the party, knowing them to have escaped from jail. There is reason to believe from the testimony of his wife, the first witness, that he knew what the assassins were about to do.

Case 4.

I see no reason for objection to Mr. Collett's recommendation that he should be deported. Allowance should be made for his relationship, and, but for the evidence of a guilty knowledge of the intended murder, I should have proposed to release him.

Case 5.

The 1 prisoner in this Number is the Tangul in charge of the tomb of the Taramel Tangul at Mambratta ; the 2nd is dead ; and the third is the Mookistan of the division in which the tomb is situated. The admissions of 1st and 2nd prisoners, and the testimony of 1st and 2nd witnesses, leave no room for doubting that the 1st prisoner received and prayed with the assassins at the tomb, and, I think, the evidence of Nubay (1st witness) is sufficient to establish the conviction that the prisoner knew of their design to take Mr. Conolly's life. His deportation, as recommended, is therefore quite proper ; there is no direct evidence against the 3rd prisoner the Mookistan, but from his position and connections it is hardly possible that he did not know of the murderer's halt at Mambratta, which he had been specially warned and enjoined to discover, although there is no positive evidence bearing upon him. I should be strongly disposed to acquiesce in the propriety of Mr. Collett's proposal for his removal. The visit of the murderers to the tomb was a matter of notoriety, as appears from all the other evidence, and as 3rd prisoner's attention was specially directed to the circumstance by the Tahsildar's orders, he cannot have been ignorant of the fact.

The 6th prisoner tacitly admits his knowledge ; but there is no evidence directly implicating him, and I would not interfere with the Magistrate's general recommendation in favor of the minor sentences.

Refers to the shelter afforded to the murderers by the 1st prisoner for one night, and the following day between the tomb at Mambratta and the town of Poodiangady, which they reached the following day, and where they remained for three days. The other prisoners in this case are all near neighbors or

Case No. 6.

Digitized by Google

relatives of the 1st. None of them appear to be dangerous characters; but they all knew they were aiding and abetting in the escape of the four Moplahs, for although the Police were directed to make special inquiries at the places, no information was given. There appears, however, to have been an indisposition on the part of the Tahsildar to receive information, and this probably led to the 1st prisoner being left off so easily when first sent up for examination.

It appears to m to be sufficient to remove the 1st only from the District for a time. It is proposed to amerce the Amshom in which they all reside, and this will meet the cases of the rest.

Case No. 7.

Embraces the transactions which took place during the residence of the escaped Moplahs in the considerable town of Poodiangady. The first prisoner, in whose house they passed part of the time, is dead. The 2nd is his wife; the third is wife of the murderer Moideen; the 4th is her mother. None of these three persons are proper objects to be brought under the Act. The principal offenders in this case are the 5th, 6th and 7th prisoners, influential Moplahs, who seem to have been fully aware of the assassin's position, to have knowingly sheltered and assisted them, and to have promoted their escape. They appear also to be persons of dangerous characters, the organizers and promoters of robberies, and the receivers of plundered property. Their influence in the town, and the manner in which it was exercised to secure the safety of the murderers, is apparent throughout the evidence; and Mr. Collett himself bears testimony to their past characters.

It is abundantly shown that the prolonged absence of these men is necessary to the peace of the District, and they should be deported accordingly. Prisoners 8 and 9 and No. 2 B, stand very much in the same category. They all knew and recognized the murderer Moideen. They all failed in attempting to seize him, but they seem to be under the influence of prisoner No. 5 and to have acted under his guidance, as a fact do all the other parties connected with the case.

The residence of the murderers at this place is spoken of by all as a matter of notoriety. They went about at night it is true, but were seen by many, and their arms, bridal garments, the divorcing of Moideen's wives, distribution of his property, all formed so many remarkable indications of the purpose in view, and were known to so large a number of individuals that concealment was impossible. No mention occurs in the evidence of the religious ceremony supposed to have been performed

Digitized by Google

at the tomb in the southern mosque; but the above circumstances afford sufficient grounds for imposing a fine on the southern portion of the town, which will serve as a punishment to the other individuals in this case, who are not fit objects for removal under the Act.

No. 16 B appears to be a dangerous character, and his removal would have been desirable had there been specific evidence against him. But there is none.

Case No. 8.

All the parties concerned are near relatives of the assassin Moideen. There is very little against them. Moideen and his companions went to the house for a few minutes, divorced his other wife, and immediately afterwards retired. None of the prisoners appear to be persons of bad character; four of them are women. And I do not see that there is any necessity for deporting the first prisoner, merely because he failed to give the alarm and apprehend his brother. The murderers neither ate, nor slept, nor received shelter in the house, nor obtained any other help.

Case No. 9.

The reception of the fugitives at the tomb in the cluster of hamlets, near Tayalangady establishes very remarkably the fact of the general sympathy with which they were received among the Moplahs. It is abundantly clear that their purpose was known to the whole population; that the religious ceremony at which their weapons (in other words the intended murder) were blessed, was attended by numbers, yet the unwillingness to give or even to obtain information, shows that it was only through accidental circumstances and by means of Mr. Collett's untiring sagacity that any knowledge was obtained of their having been there at all.

Where all are so fully implicated, it is difficult to know how to deal with such a large number. I am of opinion that the 1st, 11th and 12th prisoners should be removed from Malabar. This measure seems called for by the very unfavorable descriptions given of their characters. The 2nd prisoner, the female guardian of the tomb at Mambra, seems also to be a person of violent and fanatical disposition; but allowance must be made for her sex, and for the imperfection of the proof against the others, and as this is a case in which the locality should be heavily amerced, I do not consider it necessary to take further notice of her or of the other prisoners.

Case No. 10.

This is a similar case to the last, but of a more flagrant and pronounced character. The murderers proceeded from Tayalangady to a secluded valley, twelve or

Digitized by Google

fourteen miles distant at Manakel, where they were received and entertained in the most open and general manner by the whole population, men and women to whom they had previously been strangers; and this was done on the avowed ground that they were devoted to martyrdom, and to effect the death of the Collector. The evidence, though confined to the statements of three of the females and a Hindu woman, is specific, and bears every mark of truth. Thirty persons were apprehended, seven of whom have since died. Of the remainder Mr. Collett advises ten to be removed from the District, viz., Nos. 2, 5, 6, 7, 8, 10, 11, 13, 14 and 15, and, I think, his recommendation should be sustained in consideration of the clearness with which the fact of the accused being accessories to the murder before its perpetration has been established, and the necessity of removing persons so ready to abet crime, for the sake of the future peace of the District. But if this be considered too tangible a measure, especially with reference to the recommendation in the preceding case, I would limit the removal of Nos. 2 and 6.

Nos. 1, 3, 4, 9, 12, 22, 24.

Case No. 11.

Calls for no remark; Mr. Collett not proposing to proceed against the party concerned.

Case No. 12.

Refers to the passage of the Beypoor river and to the shelter obtained by the murderers in the hamlet of Kolermana of the Payoor Deshom. It is established in evidence that five persons whose appearance indicated what and who they were, suffered to pass unmolested by the 1st prisoner the ferryman, and 2nd prisoner the Mookistan, both of them persons of observation, whose attention had been specially called to the circumstance; that of the 2nd by the late Collector himself, on account of his negligence on the former occasion when the assassins first effected their escape. Yet although he saw them repeatedly at and near the ferry, he took no steps whatever with regard to them. Now it is a remarkable fact, especially deposed to by all the persons both prisoners and witnesses concerned in this case, that three of the fugitives were dressed in red cloths, described by other witnesses, (see the Poodiangady case No. 7) as the dress of a bridegroom, and which any one who has ever witnessed a Mahomedan marriage must know to be the costume used on such occasions. It is also notorious that Shahids are wont to array themselves in a similar manner as if for their heavenly bridal. There was therefore more than ordinary cause for suspicion. Had the Mookistan, as in duty bound, taken steps to apprehend the few

Digitized by Google

Moplahs, their capture would have been safe and easy, for their arms were tied up in a bundle for concealment and might have been at once secured.

Of the three prisoners recommended for deportation, one is dead, the other two, who are the persons above described, should be removed as proposed.

Case No. 13.

The circumstances of the visit of the murderers to the Corongote river ferry are by no means explicit. There is evidence to show that the 1st prisoner who has charge of the ferry, a private one, passed over the fugitives immediately after their escape from jail in August. It is also clear that he procured them food and cover on the 6th September on their return, and probably aided them to cross the river also. It is also established that he received a sword from one of them, and that he took infinite pains at a subsequent period to conceal two swords and a bayonet which were eventually discovered by the Police. He likewise displayed an extreme anxiety to remove evidence of his having communicated with the assassins, and together with his brother the 2nd prisoner endeavored to suborn some of the witnesses to give false evidence. But the evidence regarding the weapons is very defective. There is nothing to show that any communications took place between him and the assassins after the murder, and it is not likely that the weapons were deposited with him before that event. The sword given by the assassin Moideen Cooty, as deposed by the boy Seedee (14th witness), was clearly before the murder, and it can only be supposed that this was exchanged for the prisoner's own sword, and that on the return of the murderers the bayonet was left with him. There is, however, clear evidence of 1st prisoner having been actually engaged in aiding the murderers, and the Joint Magistrate knows him to be a man of dangerous and fanatical character implicated in former outbreaks, and likely to be engaged in similar attempts again.

His brother, 2nd prisoner, is a Mookistan, whose duty it was to prosecute the ends of justice to the utmost, instead of which he is shown to have joined in the endeavor to suborn false testimony.

See case No. 13, for No. 2 prisoner.

I consider that good grounds have been shown for the removal of both these men from the province.

It is remarkable that all who saw the murderers speak to the fact of their peculiar dress.

Digitized by Google

It does not appear that any inquiry was made to identify any of the arms found on the murderers, after their death on 17th September, with those referred to in this case, exhibits an example of the most perfect complicity between the murderers and the 2nd prisoner who entertained them, feasted them when on their way to Calicut, and one of them agreed to devote himself to their cause, but retreated. The 1st prisoner afterwards guided them in their flight after the murder. He is since dead.

Case No. 14.

There can be no hesitation in confirming the Joint Magistrate's award of deportation against the 2nd prisoner in this case.

Case No. 15.

The complicity of the 1st, 2nd and 12th prisoners in this case is equally clear, and there can be no doubt of the propriety of deporting the two former; the first of whom is moreover a man of bad character and an agent of the prisoners confined in the Calicut jail. There is no evidence to show that the other prisoners were actually cognizant of the assassins' designs; but it is probable they were aware of their presence, particularly the 3rd prisoner, the Moollah, for they were seen by some, 1st and 4th of the witnesses, it was evident they were concealing themselves; the feast itself was an unusual one, and the publicity given to the murderers' intentions in other cases was probably conspicuous here. Still in the absence of any specific evidence, I am averse to authorize their removal, particularly as I do not concur in Mr. Clarke's reading of Section VII of Act XXIV of 1854, and believe that the Cutcherry Amshom may be brought under the operation of Section VII and subjected to fine.

Case No. 16.

The culpability of those who gave shelter to the assassins after the murder, assumes a more serious complexion for the news travelled faster than the criminals, and it is shown that the fact was known in the Catoopally Amshom before the perpetrators left it. The countenance afforded to them by 1st prisoner is without excuse, even on his own admission, that he only saw them depart *armed* from his house, and there is abundant evidence of their remarkable appearance and dress. His silence on the subject makes him responsible for such neglect. But the cordial reception they met with puts his assertions out of all probability. I would let the Joint Magistrate's recommendation stand as regards all the three (1st, 3rd and 4th) prisoners in this case, as far as removal from the District goes. For the 5th, see case 13.

Case No. 17.

The only prisoner concerned is dead.

Digitized by Google

I do not consider there is sufficient ground for deporting the prisoner in this case who neglected to give information. The detention he has undergone will serve as a warning, and the Magistrate might hold him to security.

Case No. 18.

I concur in the Joint Magistrate's view of this case.

Case No. 19.

I think there can be no doubt of the complicity of both the prisoners with the murderers, after their crime was known through the whole country, and they had cast off all concealment. It is clear that on the day after the plunder of the house at Makeat they had taken possession of the mosque A B under 1st prisoner's charge in broad day, and guarded the entrance against the approach of the Police, and that they were supplied with food from 2nd prisoner's house, he being brother-in-law of the 1st. The latter is since dead.

Case No. 20.

A known as the Bhavat mosque.

I have no hesitation in recommending the removal of the 2nd from the District.

From the Bhavat mosque in the Kodavally Amshom, where the assassins halted on the 13th, they came on at night about four miles further to the Kedar mosque in Tambracherry, the Cazee and Mukry of which are proved to have knowingly allowed them shelter within its walls. The 1st prisoner is also Cazee of the Bhavat mosque.

Case No. 21.

Both these prisoners have rendered themselves liable to deportation.

On leaving the mosque on the morning of the 14th, they passed through the long straggling bazar of Tambracherry, and bought some grain at the last shop, the owner of which is made the 3rd prisoner, from the time of day, broad day-light in the morning, and the remarkable appearance of the murderers dressed in red and heavily armed, carrying the red shields taken from the Nambudry's house two days before, no one could doubt who they were, and the indifference and apathy with which they were allowed to pass is highly culpable. But the 3rd prisoner manifested no desire to conceal what he had done, and cannot be considered in the same light as the others who actively harbored and assisted the criminals.

The fact of the prisoner in this case having cheerfully received and entertained the assassins on the night of the 14th September, knowing them to be murderers and robbers, is very clearly established. He took no steps to give information,

Case No. 22.

Digitized by Google

but the reverse, the evidence of the 5th and 6th witnesses is very satisfactory on these points.

He may very properly be sent out of the District.

Case No. 23.

The two prisoners in this case do not conceal that they knew who the five persons were, whom they entertained and fed on the 15th. Their willing reception, their failure to give immediate information, and their apparent desire to put off the 1st and 2nd witnesses, instead of at once evincing a desire to give notice to the authorities, leave them by no means free from serious blame; but as the 1st prisoner did actually convey the intelligence to the Tahsildar before any one else, it does not seem necessary to view them as dangerous characters and to remove them from the province. There appears to be room, however, for taking security from them for their future good behaviour.

Case No. 24.

I concur in Mr. Collett's opinion that this prisoner has not made out his plea of having acted as a compulsory guide. On the contrary both his own conduct and that of his companions lead to an opposite conclusion, whilst not only his silence when released from attendance on the murderers, but his subsequent denial when questioned by the head of Police, and his evil repute show him to have been more ready to abet the cause of crime than to act an honest part. I approve, therefore, of his removal.

Having thus gone carefully through the whole of the evidence and given an opinion on each case, the following are the results at which I have arrived:—

In case No. 1 to be removed, Nos. 1, 2, 5, 18, in all 4 persons.

4	1	1
5	1, 3	2
6	1	1
7	5, 6, 7	3
9	1, 11, 12	3
10	2, 5, 6, 7, 8, 10, 11 13, 14, 15 or only 2, 6,	10 or 2
12	1, 2	2
13	1, 2	2
14	2	1
15	1, 2	2
16	1, 3, 4	3
20	2	1
21	1, 2	2
22	1	1
24	1	1
		31 or 39

Digitized by Google

I consider there are sufficient grounds for deporting thirty-nine of the eighty-four individuals recommended by Mr. Collett for removal, or if the number be considered too large in one case thirty-one. Mr. Collett, as has been pointed out,* has thus conceived the intention of Act XXVII of 1854, in adjudging definite periods of detention according to his views of the greater or less degrees of guilt of the parties. But Regulation II of 1859, only admits of persons whose presence would endanger the public peace being placed under restraint at a distance for such indefinite periods as may be necessary. Their treatment must be that contemplated by the Regulation which extends to simple confinement only; their lands and estates being temporarily attached and managed by Government Officers, should it be deemed necessary. I think this measure would be useful in the present instance. Most of the prisoners live in secluded parts of the District, and have been notorious for their participation in former crimes and outrages. The presence of Government managers on their lands will enable the Police to get a better insight into the state of society in such localities, and to prevent their relatives from engaging in further crime.

* Chief Secy.'s memorandum.

The period of detention in every case must depend on the circumstances of each; but to produce the effect desired it should be prolonged in the worst cases to as distant a date as possible consistent with the intention of the Act.

Both Mr. Collett and Mr. Clarke recommends the imposition of fines on the inhabitants of the Amshoms or Districts in which the murderers received shelter and assistance. The very general, almost universal, sympathy manifested towards the assassins, renders this a very proper measure. A B, I concur in the propriety of all the seven divisions selected by Mr. Collett, but to those I would add the Manakel Amshom (case No. 10) particularly if the whole number of prisoners recommended by Mr. Collett should not be deported, and as proposed by Mr. Clarke, I would further include the Cutcherry Amshom.

A—Mr. Clarke is doubtful whether the temporary residence of the assassins in the different places, where they halted, amounts to "the residence at the time of the outrage," contemplated by the Act. I think it does. The whole course of the escaped convicts was a continued outrage, a preparation for the final and crowning act of outrage. They subsisted during the time by robbery, plundering, where they required money, and compelling support and assistance with arms in their hands where it was not, as it was in general too readily afforded. The willing reception they met with as the avowed authors of monstrous crime procured them a safe residence in every one of the places selected for mulct B.

It is of course impossible for any one here to form a judgment of the amount to be imposed in each case. But it should manifestly be limited to such a sum or sums as will enforce a wholesome dread of countenancing such

Digitized by Google

crimes in future, while it should not be so large as to produce extreme distress. This might have the effect of driving persons to desperation and leading to the commission of further outrages. The amount should be assessed on the whole Moplah population of the suspected places, and be levied at once, a reasonable time being given for producing the sum required, to be followed in case of failure by immediate attachment and sale of property.

I see no objection to the property of deported persons being subjected to the general operation of the measure. I think, however, that the proportions proposed by Mr. Collett, in some instances, as in the Poodiangady case, (paragraph 15) are large. It should be considered also whether the whole town is to be amerced in this case or only the southern part of it.

All these points, particularly the proper amount to be imposed in every case, should be carefully considered by the Magistrate, taking care to avoid the error of fixing on a vindictive amount to which the officer more immediately engaged in the investigation may naturally be inclined from his greater familiarity with the more detestable features of the case.

The property of the murderers will, of course, be confiscated under the amended Act.

Orders have already been given for strengthening the military force, and for removing the prisoners by sea.

The Inspector of Jails should be instructed to fix on the proper prisons for the confinement of the prisoners, having especial reference to the desperate characters of many of them, and to the moderate restraint necessarily imposed on them.

Care should also be taken so to distribute them, as to separate those most likely to combine in drawing plans of escape, and to prevent, as far as possible, those who may soonest be released from carrying information of the position of those who must be longer detained.

No feature in the course of Mr. Collett's investigation is more striking than the utter inefficiency of the Police. It appears incredible that a band of men should traverse a great part of the District for a period of six weeks, with the avowed intention of destroying the principal person in it, that this intention should be known to hundreds, probably to thousands, and that not a whisper of it should be conveyed to those entrusted with the preservation of order, or if known should be so completely witheld.

Measures cannot too soon be adopted to correct such a state of things. Bad as the Police is every where, it is worse here than in any other part

Digitized by Google

of the country, and no time should be lost in applying a remedy. Under such a state of things no man's life is safe for an hour, who may incur the enmity of a Moplah.

Several speculations are advanced to account for the cause of Mr. Conolly's murder. But the attempt to connect its origin with the deported Tangul is not to my mind successful. No doubt his name was used by the murderers as a means of obtaining more general sympathy and support, and the vindication of his cause entered largely into the motives of all concerned. But I am inclined to think that the irksomeness of the continued imprisonment to which the assassins were subjected, and the certainty of further prolonged incarceration if recaptured as they must have been, made them desperate, and induced them to fling away their lives in a manner far more daring, and more likely to invest their memories with the reputation of distinguished martyrs than had previously been heard of.

In conclusion, I must repeat my testimony to the sagacity, perseverance, and courage, with which the investigation of this atrocious crime has been conducted by Mr. Collett. It is very improbable that in other hands any light would have been thrown on the subject. The success of the inquiry I consider to be due to the possession of the above qualities in so eminent a degree, combined with that intimate knowledge of the manners, habit, and language of the District, which Mr. Collett appears to have acquired from his long connection with the District.

(Signed) WALTER ELLIOT.,

No. 424.

JUDICIAL DEPARTMENT.

Extract from the Minutes of Consultation, dated 25th April 1856.

Read the following papers :—

From the Magistrate of Malabar—Here enter			25th	February	1856.	
Do.	do.	do.	29th	„	„	No. 13.
Do.	do.	do.	29th	„	„	„ 15.
Do.	do.	do.	6th	March	„	
Minute by the Right Honorable the President.		do.	14th	„	„	
Do. by the Honorable Sir H. C. Montgomery, Bt.		do.	14th	April	„	
Do. by the Honorable W. Elliot.		do.	31st	March	„	
Memo. by the Chief Secretary.		do.	14th	March	„	

Digitized by Google

1. With the first of the above letters the Magistrate of Malabar forwards the final report of his Joint Magistrate, on the result of the investigations held by him into the murder of the late Mr. Conolly.

2. In that of the 29th February, No. 13, he reports upon the violent demeanor of six of the men under detention by the Joint Magistrate, and the means taken to ensure their safe custody.

3. His letter No. 15 of the same date, transmits a report from Mr. Collett on the case of five Moplahs seized on suspicion of a design to commit outrages, for the suppression of which Act XXIII of 1854 was passed.

4. The letter of the 6th ultimo relates to the interpretation to be put on Section VII, Act XXIII of 1854.

5. With the first letter abstracts of the several cases investigated, and of the mode in which it is recommended that the accused should be disposed of, are forwarded. Translations of the proceedings of the Joint Magistrate were subsequently sent.

6. The investigations of the Joint Magistrate include twenty-four cases, in which one hundred and sixty-four persons were accused. Of these twenty-five have died.

7. Of the remaining one hundred and thirty-nine it is proposed by Mr. Collett that thirty-five be released unconditionally, twenty be held to security under the ordinary Regulations, leaving eighty-four to be dealt with under Acts XXIII of 1854 and V 1856.

8. Of these, it is recommended that eight be imprisoned for short periods in the Calicut Jail, and that seventy-six be banished, for various terms, from the District, and confined in jails in the Northern Circars and in the Ceded Districts, viz :—

For life	16
21 years	2
14 do.	14
10 do.	7
7 do.	20
5 do.	6
4 do.	1
3 do.	10
	76

9. Mr. Clarke has suggested that it might be sufficient to punish those only of the classes above specified, who had been recommended

Digitized by Google

by the Joint Magistrate for banishment of longer duration than seven years. This would involve the deportation of 16+2+14+7=39 persons.

10. It is proposed that, unless such procedure would vitiate the sentences passed, the prisoners be removed from Malabar by sea, and that they be distributed in small parties among the jails of Bellary, Cuddapah, Kurnool, Rajahmundry and Vizagapatam, also that they be treated as regards lodging, diet, employment, and restraint, in every respect similarly to ordinary persons confined for heinous offences.

A further and most important proposal is that of fining the suspected Amshoms.

Mr. Collett proposes to fine seven, viz:

		Rupees.	
1. Neerchey.............. } 2. Kariavattom............ }	To be fined	2,000 each.	
3. Kadoowagoor..........	Do.	3,000 ,,	
4. Talakaad..............	Do.	12,000 ,,	of which Rupees 7,000 should be levied from prisoners 5, 6 and 7; Case No. 7.
5. Kaypagancherry...... } 6. Kayamaal............. }	Do.	25,000	from the two, of which 20,000 should be levied from 11th and 12th prisoners in Case No. 9.
7. Kedar or Tambracherry.	Do.	1,000	or in all Rupees 45,000.

The fines should be collected at once rather than by instalments; the money be paid within twenty-four hours, or property attached and sold.

12. Mr. Clarke proposes that the Cutcherry Amshom of Calicut be added to the list, and a fine of Rupees 1,500 be placed upon it.

13. A question has been raised as to the purport of the term "resident" in Section VII, Act XXIII of 1854, and whether meant to imply only permanent and lengthened, or including also temporary and casual residence. Supposing the former to be the true intent of the expression, the Magistrate (p. 19) has named eight Amshoms as liable, of which four are among those already recommended for fine by the Joint Magistrate, and four are not.

14. Mr. Collett has pointed out that the Government in Extract Minutes Consultation, 3rd October last, have held that Section VII

Digitized by Google

must include all the Amshoms or parishes in which the assassins had found refuge, between their escape from jail and the commission of the murderous outrage on Mr. Conolly.

15. The documents thus laid before Government show the infinite pains which Mr. Collett has taken, and the labor he has undergone in carrying on this investigation.

16. The course followed by the assassins from the date of their escape to the time of their death is, with some few interruptions, successfully traced, and though here and there proofs of identity cannot be produced, yet no candid or impartial mind can have any doubt of the fact.

17. The impression which a careful perusal of these papers has left on the mind of Government is, that a large number of the persons who are mentioned in these proceedings as prisoners, as well as some of the witnesses, were not only cognizant of the fact, that these five armed men had escaped from jail, and assisted in concealing them; but also that they were aware that they were about to do some desparate deed, to attempt the life of the Collector, and then to die as martyrs.

18. This is positively stated by some of the witnesses, and confessed by some of the prisoners, and there are many circumstances mentioned which must lead by inference to the same conolusion.

19. The Government now proceed to review seriatim, and record their conclusions, on each of the cases submitted to them. Before, however, so doing, there is one point of general application, which it will be to necessary notice.

20. Mr. Collett, it has already been mentioned, has advised that the parties to be deported be imprisoned for definite periods, varying from life to three years: the period being determined according to the apparent degree of criminality attaching to each. His reasons are given in paragraph 7 of his report, and he considers that such a course is not inconsistent with the provisions of Regulation II of 1819. In the following paragraph 8 of his report, he suggests that, in consideration of their circumstances of life, all the parties deported should be treated as regards lodging, diet, employment and restraint, in every respect similarly to ordinary persons confined for heinous offences. The Right Honorable the Governor in Council cannot adopt these views.

21. The object of Regulation II of 1819 is not punishment, but precaution. It was meant to sanction the placing under personal restraint for reasons of State policy, of parties whom it would not be expedient to allow to go abroad, but who could not be reached by the ordinary

Digitized by Google

Courts, or against whom it would not be advisable to proceed before such tribunals. They were to be so detained from regard to the peace of the country, and so long as their incarceration was necessary for that end, so long "as the reasons of State policy" continued to exist, but no longer. It might never prove safe to liberate them, in which case they would remain prisoners all their lives; but this could scarcely be positively foretold at the time of the original committal to prison, still less could it be foreseen whether it would be safe to release a detenu after ten, fourteen or twenty-one years' confinement. The operation of Regulation II of 1819 is indeed somewhat analagous to that of the suspension of the *Habeas Corpus* Act in England.

22. It is not then in accordance with the terms of Regulation II of 1819, to sentence parties detained under it to any determinate period of imprisonment. This would be not precaution but punishment; and though the confinment authorized by the Regulation cannot but of itself involve punishment, still that it is not the object of the Regulation. In the present case of any of the suspected Moplahs are to be adjudged to incarceration, the orders must be absolute and unqualified. It would of course rest with Government when to liberate them, or whether to liberate some of them at all. Those who seemed least chargeable with complicity with the murderers, would in the nature of things be the first to be released.

23. That the period of imprisonment is left indefinite, would not, it is to be presumed, make it less an object of dread to the Moplahs.

24. Neither for the same reason would it be proper that, as recommended by the Joint Magistrate, the treatment of any Moplahs kept in confinement under the Act should be in all respects that of ordinary persons confined for heinous crimes. Their position would be rather that of men confined as political offenders. Looking to their rank in life it would not probably be necessary to give them better food than the usual jail fare; but they should not be shut up in the same ward with convicts; they should not be put in irons unless they are refractory or attempt; escape and they should on no account be subjected to labor.

25. With these remarks, the Right Honorable the Governor in Council proceeds to the consideration of the first case.

Case No. 1.

26. The first case refers to the residence of the murderers in the Deshom or District of Puttecad, the native place o the assassin Tenoo, where they appear to have firs sought refuge on their escape from the Calicut jail.

Digitized by Google

Twenty persons have been apprehended on the charge of harboring them, knowing them to be escaped prisoners, and in some instances of being aware of their design to murder the Collector.

Of these, four have died since they were taken up; two being females are properly recommended to be released. Of the fourteen that remain, four are recommended to be imprisoned for lengthened periods, and ten for terms not exceeding seven years.

The Government concur in the propriety of Mr. Collett's recommendation to deport the 1st, 2nd and 5th prisoners. All are men of bad character, some of them the former associates in crime of Tenoo, and likely to commit outrages again. All of them sheltered and actively abetted the escape of the assassins, and appear to have been cognizant of their murderous designs.

But the 3rd prisoner Chekoony stands in a different light. He was most unwilling in the first instance to have any intercourse with the assassins and refused to admit them on the night of the 14th August. He is described as "a poor creature much under the influence of his uncle Tenoo." The chief evidence against him is his own admissions, which appear to have been made without concealment or evasion, elicited doubtless through his feebleness of character. It is unnecessary to make an example of such a man. His removal is not required to ensure the peace of the District, and he should therefore be released on security.

Among the remaining ten persons recommended by Mr. Clarke for release, there are various degrees of criminality. All were cognizant of the presence of the escaped prisoners in the Deshom. Nos. 11 and 12 were actively engaged with No. 1 in harboring them. No. 13 is to the full as guilty as is brother Pokero (No. 2), and from the evidence of his wife Patooma (No. 14), he must have known of the contemplated murder. He is not however described as a desperate character. Most of these appear to have been made prisoners from their relationship to the assassin Tenoo or his associates. As far as a knowledge of the presence of the escaped prisoners and a failure to give information to the Police goes, almost all the witnesses are nearly as culpable as the prisoners. Even those who did not recognize, or who were not acquainted with the assassins, saw that they were armed Moplahs skulking from observation and suspected them of evil designs.

There is, however, one of these men, who should be exempted from the proposed indemnity, and he is No. 18 V. Syed, the Mookistan, or or headman of the Melatoor or adjoining Amshom. This person in

Digitized by Google

virtue of his office was deputed by the Tahsildar to search for the escaped prisoners, and it is clear both from his own admissions and from other evidence that he obtained information of their proceedings, which, if acted on promptly and communicated to the Tahsildar, would have probably led to their apprehensions. Such culpable neglect of duty and collusion with offenders mark him as a proper person to be retained amongst the number of those who are to be removed from the District under the Act.

Case No. 2.

27. The only two persons apprehended in this case died in jail.

Case No. 3.

28. Six persons are concerned of whom two are dead; two are women; against the 5th there is not sufficient evidence; and the Joint Magistrate only recommends that he shall be held to security, a matter for the future consideration of the Magistrate; 6th has died since the proceedings were closed.

There remain only two women, and there seems no reason in their case for interfering with Mr. Clarke's general recommendation for releasing all the minor offenders.

Case No. 4.

29. The single prisoner in No. 4, who is brother-in-law of one of the murderers, undoubtedly harbored the party, knowing them to have escaped from jail.

There is reason to believe from the testimony of his wife, the first witness, that he knew what the assassins were about to do. The Government are, however, disposed to make allowance for his near relationship, although the evidence of his guilty knowledge of the intended murder was such as quite to justify Mr. Collett's proposal to deport him.

Case No. 5.

30. The first prisoner in this No. is the Tangul in charge of the tomb of the Taramel Tangul at Mambratta; the second is dead; and the third is the Mookistan of the division in which the tomb is situated. The admissions of the 1st and 2nd prisoners and the testimony of the 1st and 2nd witnesses leave no room for doubting that the 1st prisoner received and prayed with the assassins at the tomb, and the evidence of the boy (1st witness) is sufficient to establish the conviction that the prisoner knew of their design to take Mr. Conolly's life. His deportation, as recommended, is therefore quite proper. There is no direct evidence against the 3rd and 4th prisoners, but from the position of both, both being connected with the Tangul, the former being a Mookistan of the place, and the latter one of the principal inhabitants, and the situation of their dwellings near the

Digitized by Google

tomb, it is hardly possible that they did not know of the murderers' halt at Mambratta, which they had, moreover, been specially warned and enjoined to discover. The Government acquiesce in the propriety of Mr. Collett's proposal for their removal. The visit of the murderers to the tomb was matter of notoriety, as appears from all the other evidence, and as the 3rd and 4th prisoners' attention was specially directed to the circumstance by the Tahsildar's orders, they cannot have been ignorant of the fact.

The 4th prisoner indeed tacitly admits his knowledge; but there is no evidence directly implicating him. The Government would not interfere with the Magistrate's general recommendation in favor of the minor sentences.

Case No. 6.

31. Refers to the shelter afforded to the assassins by the 1st prisoner for one night and the following day, between the tomb at Mambratta and the town of Poodiangady, which they reached the following day, and where they remained for three days. He has denied that the five Moplahs (including the barber boy) were fed and well treated at his house after leaving the Tangul's tomb, though his wife and child testify to their visit, as does also the 4th prisoner. He has likewise attempted an alibi which has completely failed. The other prisoners in this case are all neighbors or relatives of the 1st. None of them appear to be dangerous characters; but they all knew they were aiding and abetting in the escape of the four Moplahs, for although the Police were directed to make special inquiries at the places, no information was given. There appears, however, to have been an indisposition on the part of the Tahsildar to receive information, and this probably led to the 1st prisoner being let off so easily when first sent up for examination on suspicion before the murder of the Collector.

It will be sufficient to remove the 1st only from the District for a time. It is proposed to amerce the Amshom in which they all reside, and this will meet the cases of the rest.

Case No. 7.

32. Embraces the transactions which took place during the residence of the escaped prisoners in the considerable town of Poodiangady. The 1st prisoner, in whose house they passed part of the time, is dead. The 2nd is his wife; the 3rd is wife of one of the murderers, Moideen; the 4th is her mother. None of these three persons are proper objects to be brought under the Act, and the two last should be released. The

Digitized by Google

principal offenders in this case are the 5th, 6th and 7th prisoners, influential Moplahs, who seem to have been fully aware of the assassins' position, to have knowingly sheltered and assisted them and to have promoted their escape. They appear also to be persons of dangerous character, the organizers and promoters of robberies, and the receivers of plundered property. Their influence in the town, and the manner in which it was exercised to secure the safety of the assassins, is apparent throughout the evidence, and Mr. Collett himself bears testimony to their past characters. It is abundantly shown that the prolonged absence of these men is necessary to the peace of the District, and they should be deported accordingly.

Prisoners 8 and 9 and No. 2 B, stand very much in the same category. They all knew and recognized the murderer Moideen. They all failed in attempting to seize him, but they seem to be under the influence of prisoner No. 5 and to have acted under his guidance, as in fact do all the other parties connected with the case.

The residence of the assassins at this place is spoken of by all as a matter of notoriety. They went about at night, it is true, but were seen by many, and their arms, bridal garments, the divorcing of Moideen's wives, distribution of his property, all formed so many remarkable indications of the purpose in view, and were known to so large a number of individuals that concealment was impossible. No mention occurs in the evidence of the religious ceremony supposed to have been performed at the tomb in the southern mosque, but the above circumstances afford sufficient grounds for imposing a fine on the southern portion of the town at least which will serve as a punishment to the other individuals in this case, who are not fit objects for removal under the Act. No. 16, B, appears to be a dangerous character, and his removal would have been desirable had there been specific evidence against him. But there is none.

Case No. 8.

33. All the parties concerned are near relatives of the assassin Moideen. There is very little against them. Moideen and his companions went to the house for a few moments, divorced his other wife and immediately afterwards retired. None of the prisoners appear to be persons of bad character. four of them are women, and the Government would not be disposed to deport the 1st prisoner merely because he failed to give the alarm and apprehend his brother. The assassins neither ate, nor slept, nor received shelter in the house, nor obtained any other help.

Digitized by Google

34. The reception of the fugitives at the tomb in the cluster of hamlets near Tayalangady, establishes very remarkably the fact of the general sympathy with which they were received among the Moplahs. It is abundantly clear, that their purpose was known to the whole population, that the religious ceremony at which their weapons (in other words the intended murder) were blessed, was attended by numbers, yet the unwillingness to give or even to obtain information, shows that it was only through accidental circumstances and by means of Mr. Collett's untiring sagacity, that any knowledge was obtained of their having been there at all. Where all are so fully implicated, it is difficult to know how to deal with such a large number. The 1st, 11th (who was specially named in the anonymous letter of warning received by Mr. Conolly) and 12th prisoners should be removed from Malabar. This measure seems called for by the very unfavorable descriptions given of their characters. The 2nd prisoner, the female guardian of the tomb at Mambra, is clearly a person of violent and fanatical disposition. She was in no degree acting under the influence of others, yet she received the assassins with pleasure, though fully cognizant of their designs, applauded and encouraged them. Reluctant as Government must be to resort to extreme measures against females, they cannot but make an exception in this woman's case; so dangerous a character or one so likely to incite to future crime, cannot be permitted to remain in Malabar. Allowance must be made for the imperfection of the proof against the others, and as this is a case in which the locality should be heavily amerced, it is not necessary to take further noticeof the other prisoners.

Case No. 9.

35. This is a similar case to the last, but of a more flagrant and pronounced character. The assassins proceeded from Tayalangady to a secluded valley, twelve or fourteen miles distant at Manakel, where they were received and entertained in the most open and general manner by the whole population, men and women, to whom they had previously been strangers, and this was done on the avowed ground that they were devoted to martyrdom and to effect the death of the Collector. The evidence, though confined to the statements of three of the females and a Hindoo woman, is specific, and bears every mark of truth. Thirty persons were apprehended, seven of whom have since died, of the remainder Mr. Collett advises ten to be removed from the District, viz., Nos. 2, 5, 6, 7, 8, 10, 11 13,

Case No. 10.

Nos. 1, 3, 4, 9, 12, 22 and 24.

Digitized by Google

14 and 15. Considering the clearness with which the fact of the accused being accessories to the murder before its perpetration has been established, and how much the future peace of the District must be perilled by the continuance of it, of persons so ready to abet crime; his recommendation might well be sustained. The Government are, however, aversed to so sweeping a measure; they would limit the removal to Nos. 2 and 6. The Amshom (Manakel) should be fined, though not one of those proposed to be so dealt with by the Joint Magistrate.

Case No. 11.

36. Calls for no remark, Mr. Collett not proposing to proceed against the party concerned.

Case No. 12.

37. Refers to the passage of the Beypoor river and to the shelter obtained by the assassins in the hamlet of Kolarmana of the Payoor Deshom. It is established in evidence that five persons, whose appearance indicated what and who they were, were suffered to pass unmolested by the 1st prisoner, the ferryman, and 2nd prisoner the Mookistan, living close to the ferry, both of them persons whose attention had been specially called to the circumstance; that of the second by the late Collector himself, on account of his negligence on the former occasion when the assassins first effected their escape. But although he saw them repeatedly at and near the ferry, he took no steps whatever with regard to them. Now it is a remarkable fact, especially deposed to by all the persons, both prisoners and witnesses, concerned in this case, that three of the fugitives were dressed in red clothes, described by other witnesses (see the Poodiangady Case No. 7) as the dress of a bridegroom, and which any one who has ever witnessed a Mahomedan marriage must know to be the costume used on such occasions. It is also notorious that Shahids are wont to array themselves in a similar manner as if for their heavenly bridal. There was therefore more than ordinary cause for suspicion. Had the Mookistan, as in duty bound, taken steps to apprehend the five Moplahs, their capture would have been safe and easy, for their arms were tied up in a bundle for concealment and might have been at once secured. Of the three prisoners recommended for deportation one is dead, the other two, who are the persons above described should be removed as proposed.

Case No. 13.

38. The circumstances of the visit of the assassins to the Corongote river ferry are by no means explicit. There is evidence to show that the 1st prisoner, who has charge of the ferry, a private one, passed over the Moplahs immediately after their escape from jail in August, it is also clear that he procured

Digitized by Google

them food and cover on the 6th September on their return, and probably aided them to cross the river also. It is also established that he received a sword from one of them, and that he took infinite pains at a subsequent period to conceal two swords and a bayonet which were eventually discovered by the Police. He likewise displayed an extreme anxiety to remove evidence of his having communicated with the assassins, and together with his brother the 2nd prisoner endeavored to suborn some of the witnesses to give false evidence. There is clear evidence, of 1st prisoner having been actively engaged in aiding the assassins, and the Joint Magistrate knows him to be a man of dangerous and fanatical character, implicated in former outbreaks and likely to be engaged in similar attempts again. His brother, 2nd prisoner, is a Mookistan, whose duty it was to prosecute the ends of justice to the utmost, instead of which he is shown to have joined in the endeavor to suborn false testimony. Good grounds have been shown for the removal of both these men from the province. It is remarkable that all who saw the assassins speak to the fact of their peculiar dress.

Case No. 14.

39. This case exhibits an example of the most perfect complicity between the assassins and the two prisoners, who entertained them, and feasted them when on their way to Calicut. One of them agreed to devote himself to their cause but retracted, and the 1st prisoner afterwards guided them in their flight after the murder. He is since dead. There can be no hesitation in confirming the Joint Magistrate's award of deportation against the surviving prisoner (No. 2) in this case.

Case No. 15.

40. The complicity of the 1st, 2nd, and 12th (a female) prisoners in this case is equally clear, and there can be no doubt of the propriety of deporting the two former. The 1st is, moreover, a man of bad character, and an agent of the prisoners confined in the Calicut jail; the 3rd prisoner is a Moollah, and could not have been ignorant of the object of the Neercha ceremony. There is no evidence to show that the other prisoners were actually cognizant of the assassins' designs, but it is probable they were aware of their presence, for they were seen by some (1st and 4th) of the witnesses; it was evident they were concealing themselves, the feast itself was an unusual one, and the publicity given in other cases to the intention of the assassins was probably conspicuous here. Still in the absence of any specific evidence, the Government would not authorize their removal, particularly as they do not concur in Mr. Clarke's reading of Section

VII of the Act, and believe that the Cutcherry Amshom may, and therefore should, be brought under the operation of that Section and subjected to fine.

Case No. 16.

41. The culpability of those who gave shelter to the assassins *after* the murder assumes a more serious complexion, for the news travelled faster than the criminals, and it is shown that the fact was known in the Cootoopully Amshom before the perpetrators left it. The 1st prisoner, by his own admission saw them depart armed from his house. There is abundant evidence of their remarkable appearance and dress, and his silence on the subject makes him responsible for such neglect; but the cordial reception they met with puts his assertions out of all probability. The Joint Magistrate's recommendation for the deportation of this man and the 3rd and 4th prisoners must be adopted. These two last are proved to have visited the assassins at the house of the 1st, and the 4th prisoner is the Mukry of the Mosque.

Case No. 17.

42. The only prisoner concerned is dead.

Case No. 18.

43. There is not sufficient ground for deporting the prisoner in this case for neglecting to give information. The detention he has undergone will serve as a warning. The Magistrate might hold him to security.

Case No. 19.

44. The Government concur in the Joint Magistrate's view of this case.

Case No. 20.

45. There can be no doubt of the complicity of both the prisoners with the assassins after their crime was known through the whole country, and they had cast off all concealment. It is clear, that after the plunder of the house at Makeat they had taken possession of the mosque known by the name of the Bhavat mosque under 1st prisoner's charge in broad day, and guarded the entrance against the approach of the Police, and that they were supplied with food from 2nd prisoner's house, which is close by the mosque, he being brother-in-law of the 1st. The latter is since dead; and the former should be removed from the District.

Case No. 21.

46. From the Bhavat mosque in the Kadavally Amshom, where the assassins halted on the 13th, they came on at night about four miles further to the Kedar mosque in Tambracherry, the Cazee and Mukry of which, the 1st and 2nd pri-

Digitized by Google

soners, are proved to have knowingly allowed them shelter within its walls. The 1st prisoner is also Cazee of the Bhavat mosque. Both these prisoners should be deported. On leaving the mosque on the morning of the 14th, they passed through the long straggling bazar of Tambracherry, and bought some grain at the last shop. The owner of which is made the 3rd prisoner. From the time of day, broad day-light in the morning, and the remarkable appearance of the assassins dressed in red and heavily armed, carrying the red shields taken from the Nambudry's house two days before, no one could doubt who they were, and the indifference and apathy with which they were allowed to pass is highly culpable; but the 3rd prisoner manifested no desire to conceal what he had done, and cannot be considered in the same light as the others who actively harbored and assisted the criminals.

Case No. 22.

47. The fact of the prisoner in this case having cheerfully received and entertained the assassins on the night of the 14th September, knowing them to be murderers and robbers, is very clearly established. He took no steps to give information, but the reverse. The evidence of the 5th and 6th witnesses is very satisfactory on those points. He may very properly be sent out of the District.

Case No. 23.

48. The two prisoners in this case do not conceal that they knew who the five persons were, whom they entertained and fed on the 15th. Their willing reception, their failure to give immediate information, and their apparent desire to put off the 1st and 2nd witnesses instead of at once evincing a desire to give notice to the authorities, leave them by no means free from serious blame; but as the 1st prisoner did actually convey the intelligence to the Tahsildar before any one else, it does not seem necessary to view them as dangerous characters and to remove them from the province. There appears to be room however for taking security from them for their future good behaviour.

Case No. 24.

49. This prisoner, as remarked by Mr. Collett, has not made out his plea of having acted as a compulsory guide. On the contrary both his own conduct and that of his companions lead to an opposite conclusion, whilst not only his silence when released from attendance on the murderers, but his subsequent denial when questioned by the head of Police, and his evil repute show

Digitized by Google

him to have been more ready to abet the cause of crime than to act an honest part; he should be removed.

50. The total number of persons to be deported under the views above taken will be thirty-three. This is very much less than the number (76) recommended by the Joint Magistrate.

51. On the principle already explained, the Government would not be prepared to adopt the limit proposed by the latter officer, nor is such a course necessary, as the information given by Mr. Collett in his proceedings, is so full respecting the characters of the several persons mentioned, that little difficulty has been experienced by Government in fixing on those who are likely to create any further disturbances or encourage others to murder or other atrocious outrages.

52. The parties to be deported will be confined in small bodies in the Jails of Nellore, Cuddapah, Masulipatam, Guntoor, Rajahmundry and Chicacole.

They will be removed by sea in pursuance of orders already issued to the Magistrate of Malabar; the Bombay Government having very considerately placed a Steamer at the disposal of this Government for the purpose. Their names, numbers, assigned them in the cases reported on by Mr. Collett, and the Jails in which they are severally to be incarcerated, are entered in a list appended to these proceedings. Those for the Jails of Nellore and Cuddapah will be landed at Eskapilly; those for Masulipatam and Guntoor will be landed at Masulipatam; those for Rajahmundry at Coringa; and those for Chicacole at Calingapatam. The necessary communications have been made to the Judges of Nellore, Masulipatam, Guntoor and Chicacole, and the Sub-Judges of Rajahmundry and Cuddapah. Warrants in the form prescribed by Regulation II of 1819 have been sent to Calicut to accompany the prisoners, and duplicates have been forwarded to the Officers as abovenamed in charge of the various jails in which they are to be confined. The Magistrates of Nellore, Masulipatam, Rajahmundry and Ganjam have been directed to be on the look out for the arrival of the Steamer at Eskapilly, Masulipatam, Coringa and Calingapatam; and to arrange for the conveyance of the batches of prisoners under a strong guard to their respective places of destination. Mr. Collett has been directed to embark on the Steamer with the Moplahs and to afford the Commander all assistance in communicating with them and in landing them at their several ports of debarkation.

Digitized by Google

53. The prisoners during their confinement will be treated as parties incarcerated for State offences. They will not be subject to any unnecessary rigor; but the most vigilant precautions must be observed to prevent escape. The usual returns required by Regulation II of 1819 will be sent in to Government through the Inspector of Jails, and the Inspector will, on visiting any of the Jails in which they may be detained, report specially to Government upon their condition.

54. The period of confinement in each case must depend upon circumstances; but to produce the due effect both upon the parties themselves and on others, it may be necessary to prolong it in the worst cases, to the most distant date consistent with the intention of the Act. Notes of the characters given them by the Joint Magistrate will be made from his report as also his opinion as to the term of imprisonment to be awarded each, as a guide to Government.

55. The lands and estates of the deported parties should under Section IX, Regulation II of 1819, be temporarily attached and managed by the Collector, should he deem such a measure advisable. It occurs to Government that this proceeding may be useful. Most of the men in question live in secluded parts of the District, and have been notorious for their participation in former crimes and outrages. The presence of Government managers on their lands will enable the Police to obtain a better insight into the state of society in such localities and prevent their relatives from engaging in further crimes. The Collector will submit his opinion on this point.

56. The most desperate and dangerous characters being thus disposed of, some of the rest will be held to security, and the others released unconditionally by the Magistrate according to his discretion. The Government are not willing to interfere with him in the exercise of his judgment in this particular. They would, however, impress upon him the necessity of proceeding with caution, so that security be not demanded unless in cases where the public safety seems clearly to require it; that the amount exacted be not higher than the party might fairly be called on to provide, and that in default of it he be not imprisoned for a protracted period, as the result will be that suspected characters will be driven to desperation, and will perpetrate deeds, which under other circumstances they would not contemplate.

57. The imprisonment of eight persons in the Calicut jail for short periods, as proposed by Mr. Collett, would for the reasons already explained

Digitized by Google

not be legal. These must be treated like the rest, released or held to security by the Magistrate.

58. The Government have next to notice the proposal for fining the suspected Amshoms. As already remarked, Mr. Collett has proposed seven, to which if the term "resident" in Section VII of the Act be taken in a larger sense, Mr. Clarke would add the Calicut Cutcherry Amshom. He, however, inclines to the opinion that only those Amshoms are liable in which the criminals actually lived or to which they belonged, and has therefore suggested eight, of which four only are among those named by Mr. Collett.

Para. 19.

59. The Governor in Council cannot subscribe to the restricted interpretation put upon Section VII by Mr. Clarke. It appears to him that an Act, such as Act XXIV of 1854, which, when it passed, was essentially experimental, must be construed with such latitude as to make it thoroughly operative. If residence is to be taken in the strict sense of the locality where a man generally resides, it is clear that great injustice may be committed by causing the fine to fall exclusively on such locality. Nor should it be overlooked in determining the force of the phrase "resident at the time of the commission of the outrage" as applicable to the present case, that the whole course of the escaped Moplahs was a continued outrage, a preparation for the final and crowning act of outrage. They subsisted during the time by robbery, plundering where they required money and compelling support and assistance with arms in their hands where it was not, as it was in general too readily afforded. The willing reception they met with as the avowed authors of a monstrous crime procured them a safe residence in every one of the places selected for mulct.

60. Under these considerations, the Government are of opinion that each Amshom, in which it is shown that the assassins were harbored and found an asylum, should be brought under the penalties of the Act, and they see nothing in the Act to forbid this construction.

61. Holding these views, the Government would fine the seven Amshoms selected by Mr. Collett, as well as the Cutcherry Amshom, and they would add a ninth, viz., the Manakel Amshom, which was the scene of the tenth case on the file of the Joint Magistrate.

Supra paragraph 35.

62. The total amount of fine proposed by Mr. Collett for the seven Amshoms which he has indicated is Rupees 45,000. The addition of Rupees 1,500 for the Cutcherry Amshom raises the sum to Rupees 46,500; besides whatever it may be thought fit to impose upon Manakel. Mr. Collett

Digitized by Google

has not however assigned any reasons for allotting the specific sums set down for each Amshom, and it is therefore impossible for Government to form a judgment on their propriety. They can only state that on general principles, the sum or sums to be levied should manifestly be such as would inspire a salutary dread of countenancing such crimes in future, but should not be so large as to produce destitution, and thus by driving persons to desperation, lead to the commission of further outrages.

63. The amount should be assessed on the whole Moplah population of the suspected places, and be levied at once, a reasonable time being given for producing the sum required, to be followed in case of failure by the immediate attachment and sale of property.

64. There seems no objection to the property of the deported parties being subjected to the general operation of the measure. The proportions, however, proposed by Mr. Collett, in some instances, as in the Podiangady case, are large, and as regards this latter case it deserves consideration, whether the whole town should be amerced or only the southern part of it.

65. Subject to these remarks, the Right Honorable the Governor in Council sanctions the several fines on the eight Amshoms proposed by Messrs. Collett and Clarke, as a *maximum*, to be reduced in any or all of the Amshoms where, or to such an extent as the Magistrate on further reflection may see fit. Mr. Clarke will submit for sanction the fine to be imposed on the Manakel Amshom.

66. The apportionment of the aggregate for each Amshom among the Moplahs belonging to it, will be the duty and will demand the careful consideration of the Magistrate. He will be cautious to avoid the error of fixing a vindictive amount, assessed rather in reference to the detestable features of the crime which has led to its imposition, than to the means of the parties amerced.

67. The property of the assassins, if has not already been done, will be confiscated, all impediment to such proceeding having been removed by Act V of 1856.

68. Simultaneously with the carrying out of the above measures, the Magistrate should issue in the name of the Government an address to the Moplah population of Malabar. He will point out to them the heinous crime which has been committed, and the results that it has entailed. He will assure them that the Government, should further occasion unhappily arise, will enforce the penalties of the law to the fullest extent, that they will not be permitted to perpetrate such atrocities

Digitized by Google

as those which now disgrace their province; but must conform themselves to the habits and duties of civilized life. He will point out to them that the period of detention for those who are deported must greatly depend on the future conduct of their countrymen in Malabar. He will inform them of the anxious desire of Government that they should receive fair and impartial treatment. Their attention might also fitly be drawn to the conduct of the friends of the late Collector, who, when combining to do honor to his memory, had devoted nearly all the amount raised for that object towards diffusing the blessings of education among the population from whom he met his violent death.

69. No feature in the course of Mr. Collett's investigation is more striking than the utter inefficiency of the Police. It appears incredible that a band of men should traverse a great part of the District for a period of six weeks, with the avowed intention of destroying the principal person in it, that this intention should be known to hundreds, probably to thousands, and that not a whisper of it should be conveyed to those entrusted with the preservation of order, or if known should be so completely withheld. Measures cannot too soon be adopted to correct such a state of things. The report promised by Mr. Clarke on the re-organization of the Police should be submitted without delay.

70. The Government admit the justice of the remarks made by Mr. Clarke in paragraphs 22 and 23 of his letter of 25th February, on the desirableness that Malabar should never be without its full complement of Assistants, and that one of some experience and judgment should always be located in the Moplah Taluks. But the state of the service does not admit of these measures being adopted for the present.

71. The report of 29th February No. 13, does not require special notice; that of the same date No. 15 will be separately considered.

72. In closing these remarks the Right Honorable the Governor in Council feels it incumbent on him to record his highest approval of the sagacity, perseverance and courage with which the investigation of this atrocious crime has been conducted by the Joint Magistrate. To the possession by Mr. Collett of these qualities in so eminent a degree, the success that has attended his inquiry is largely due, but even these would have been insufficient, unless combined with an intimate knowledge of the manners, habits, and language of the District, a knowledge which would have been acquired only from long connection with and close study of its peculiar people.

(Signed) T. PYCROFT,
Chief Secretary.

Digitized by Google

LIST.

Nellore Jail.

1st	Prisoner in	Case No.	1,	Cheryatha Coonheedoo.
4th	do.	do.	5,	Mannamel Auran Kutty.
2nd	do.	do.	9,	Mambratta Beebee.
1st	do.	do.	12,	Kangera Kunjy Coyamoo.
2nd	do.	do.	15,	Cunjy Pary.
1st	do.	do.	21,	Pallikelagatha Abdulla Cazee.
6				

Cuddapah Jail.

2nd	Prisoner in	Case No.	1,	Kannady Kayee Poker.
1st	do.	do.	6,	Parankel Marcar.
11th	do.	do.	9,	Mandayporatha Mahmod Kutty Mooppen.
2nd	do.	do.	12,	Chembagashery Uny Moyee.
3rd	do.	do.	15,	Mula Marcar Kutty.
2nd	do.	do.	21,	Puthenpidiyail Koyamu Mukry.
6				

Masulipatam Jail.

5th	Prisoner in	Case No.	1,	Techyoden Poker.
5th	do.	do.	7,	Nalagatha Moideen.
12th	do.	do.	9,	Veeraoony.
1st	do.	do.	13,	Korongote Cunjy Kayen.
1st	do.	do.	16,	Cholaparambatha Uni Maye.
1st	do.	do.	22,	Mandavakandy *alias* Tuniportha Kuttiathen.
6				

Guntoor Jail.

18th	Prisoner in	Case No.	1,	Venmally Syed.
6th	do.	do.	7,	Nalagatha Pucky Cooty.
2nd	do.	do.	13,	Korongote Hyderman.
3rd	do.	do.	16,	Ambalatha Kuttu Poker.
1st	do.	do.	24,	Chepaly Poker.
5				

Digitized by Google

Rajahmundry Jail.

1st	Prisoner in Case No.		5,	Taramel Koonjy Koya.
7th	do.	do.	7,	Nalagatha Kamu.
2nd	do.	do.	10,	Pally Mukry Bawa Kutty.
2nd	do.	do.	14,	Maylangi Karamel Moideen Kutty.
4th	do.	do.	16,	Mukry Powra.
5				

Chicacole Jail.

3rd	Prisoner in Case No.		5,	Odaykel Aly Assen.
1st	do.	do.	9,	Narakat Puthenvittil Syed Mahamod Coya Kutty.
6th	do.	do.	10,	Kallathil Padikel Mamunny.
1st	do.	do.	15,	Malakel Mamu.
2nd	do.	do.	20,	Odovil Kunimel Koya.
5				

No. 377.

JUDICIAL DEPARTMENT,
FORT ST. GEORGE, 16*th April* 1856.

To the MAGISTRATE of MALABAR.

SIR,—I am directed to inform you that the Government, after careful scrutiny of Mr. Collett's proceedings in the matter of Moplahs charged with complicity in the murder of the late Mr. Conolly, have resolved to deport thirty-three persons under the provisions of Act XXIV, 1854, and Act V, 1856, and to confine them in small parties in the Jails of Nellore, Masulipatam, Cuddapah, Guntoor, Rajahmundry, and Chicacole. The more detailed review of Mr. Collett's report is under preparation, and will be communicated to you in a few days. Meanwhile, I have to announce to you the decision at which this Government have arrived, and to transmit to you warrants in the form prescribed by Regulation II, 1819, for the confinement of the parties. The Bombay Government have, on the application of this Government, placed a steamer at their disposal for the purpose of bringing the prisoners round to the Coromandel Coast, and she will be off Calicut on the 22nd instant. You will be pleased to embark the Moplahs as soon as possible after the arrival of

Digitized by Google

the vessel, and will give the enclosed letter to her commander. Mr. Collett will accompany the prisoners, will arrange for the debarkation of the proper parties at the ports where they are to be landed, and will afford the commander all the assistance and information necessary for the charge of the Moplahs while on board the steamer.

Those for Nellore and Cuddapah, at Eskapillay. Those for Masulipatam and Guntoor, at Masulipatam. Those for Rajahmundry, at Coringa. Those for Chicacole, at Calingapatam.

On the subject of the remaining parties under detention by the Joint Magistrate, further instructions will be sent to you in the course of a few days.

I enclose a list of the Moplahs to be deported, showing their names, the numbers assigned to them in Mr. Collett's case, and the Jails in which they are to be imprisoned.

(Signed) T. PYCROFT,

Chief Secretary.

No. 394.

JUDICIAL DEPARTMENT,

FORT SAINT GEORGE, 19*th April* 1856.

To the MAGISTRATE of NELLORE.

SIR,—I have the honor to inform you that the inquiry into the conduct of the parties supposed to have been implicated in the murder of Mr. Conolly, Collector of Malabar, has terminated, and that the Government have resolved on deporting thirty-three Moplahs under Act XXIII, 1854, Section IV, and confining them as State prisoners, according to the provisions of Regulation II, 1819. They will be imprisoned in small parties in the Jails of Nellore, Cuddapah, Masulipatam, Guntoor, Rajahmundry, and Chicacole.

2. The prisoners will be removed by sea, for which purpose the steamer *Assaye* has been specially supplied by the Bombay Government, and will take the men on board at Calicut on or before the 22nd instant.

3. The *Assaye* will first call at Eskapilly in your district, where she will land the two batches, of six prisoners each, for Nellore and Cuddapah.

4. The Government cannot inform you of the exact time when the *Assaye* may be expected at Eskapilly, but it must be in the course of a few days after you receive this. They therefore desire that you will make *immediate* arrangements so as to be prepared for the arrival of the steamer whenever she may reach Eskapilly, and for the landing of the Moplahs who are to debark there. You will receive the two parties, make over those for

Digitized by Google

Nellore to the Session Judge, and send the other batch under a strong guard of peons, or a Military guard if you would prefer it, to Cuddapah. You will communicate with the Magistrate of Cuddapah on the subject, as also with the Sub-Judge in charge of the Jail.*

* Those among the prisoners whose position in life may seem to demand it may be sent in bandies, and not on foot. On this point you will consult Mr. Collett, who will accompany the prisoners on the steamer.

5. You will report to Government the arrival of the *Assaye* at Eskapilly, and your own proceedings thereon.

(Signed) T. PYCROFT,

Chief Secretary.

No. 395.

JUDICIAL DEPARTMENT,

FORT SAINT GEORGE, 19*th April* 1856.

To the JUDGE of NELLORE.

SIR,—I have the honor to inform you that the inquiry into the conduct of the parties supposed to have been implicated in the murder of Mr. Conolly, Collector of Malabar, has terminated, and that the Government have resolved on deporting thirty-three Moplahs under Act XXIV, 1854, and confining them as State prisoners according to the provisions of Regulation II, 1819. They will be imprisoned in small parties in the Jails of Nellore, Cuddapah, Masulipatam, Guntoor, Rajahmundry and Chicacole.

2. The prisoners will be removed by sea, for which purpose the steamer *Assaye* has been specially supplied by the Bombay Government, and will take the men on board at Calicut on or before the 22nd instant.

3. The *Assaye* will first call at Eskapilly, where she will land the two batches, of six prisoners each, for Nellore and Cuddapah.

4. The prisoners for Nellore* will be landed by the Magistrate, and by him sent to your Jail. You will be pleased to receive them according to the warrant herewith sent, and to detain them as State prisoners under Regulation II, 1819. You will not subject them to any needless rigor, but will adopt the most careful precautions against an escape or attempt to escape. You will treat them in all respects as prisoners confined under Regulation II, 1819, are usually treated—will not put them to labor nor place them in irons, except they are refractory or attempt to escape.

* Six (6) in number.

Digitized by Google

5. You will furnish the periodical reports on these men, required by Section III, Regulation II, 1819, to Government, regularly through the Inspector of Prisons.

(Signed) T. PYCROFT,

Chief Secretary.

No. 37.

CALICUT, 22*nd April* 1856.

From T. CLARKE, Esq.,

Magistrate of Malabar.

To T. PYCROFT, Esq.,

Chief Secretary to Government,

Fort Saint George.

SIR,—I have the honor to report that on Sunday the 20th instant, I received by express, your letter of the 16th idem, conveying the instructions of Government on Mr. Collett's proceedings in the matter of the Moplahs, charged with complicity in the murder of the late Mr. Conolly.

2. The next day at 9¼ A. M., I received a duplicate of your letter, and in a quarter of an hour after, the report of the arrival of the Honorable Company's steam frigate *Assaye.*

3. I immediately placed myself in communication with the Officer Commanding Calicut, and obtained from him a small but sufficient guard of sepoys to accompany to the vessel the prisoners to be expatriated. The remainder of the troops in the cantonment were warned to be ready to attend to any requisition which might be made.

4. I called on the Zillah Surgeon and obtained from him an opinion that the prisoners were all fit to go on board, and that none were infected with or carried with them the infection of the small pox.

5. I had an interview with the Commander of the *Assaye,* and learnt from him that he was ready to receive the prisoners on board as soon as it was convenient for me to send them.

6. Immediate arrangements were made for separating the 32 prisoners (for one* had died in the Jail on the 9th ultimo of debility and diarrhœa named in the list) which accompanied your letter from their comrades in

*Mandavum Candythany-poratha Cooty Athan.

the Tobacco godown, and placing chains on those that were able to bear them. Four of the prisoners† were so debilitated, that it was not deemed prudent to subject them to this restraint. These 4 sickly prisoners were under medical treatment, and 2 had been admitted on the 16th instant into the Jail Hospital. The Zillah Surgeon considered that a sea voyage might be of benefit to them, and that it was not necessary they should be detained on shore.

† Parankil Marakar, Mula Markarkuty, Cholaparambatha Uny Moyee, Korawil Pally Mookry Powree.

7. At 5 P. M., the whole gang were marched from the Jail to the seashore under the Military escort, and were embarked on the boats without the slightest difficulty. A little curiosity was excited among the people of the town, but the small crowd that collected about the place of embarkation was quiet and orderly. By half past 6, all the prisoners were on board the *Assaye,* and I was enabled to return to Calicut.

8. The prisoners were each of them provided with three new cloths, two new cumblies, and a mat, and also with drinking vessels and platters. None of the old clothes were allowed to be taken with them.

9. Mr. Collett arrived at Calicut at half past 7 o'clock, and embarked this morning at 11 o'clock, shortly after which the vessel got up her steam and left the port.

10. The sudden arrival of the large armed steamer with its strong guard, the quietness, rapidity, and ease with which the 32 prisoners were conveyed away from Calicut, the mystery which hangs around their destination, and the influence and position of some of these men, will, I trust, tend to strike terror and dismay into the minds of the more ignorant and degraded of the Moplah population, while I hope all will learn from it that the Government have means and resources at their disposal sufficient to meet and put down at once any rebellious demonstration among their people.

11. I deem it right here to mention that Commander Young was necessitated to leave on shore one of his crew who was ill with small pox. A copy of the Commander's letter, sending the invalid on shore is submitted for the information of Government. There was no reason to suppose the infection had spread, and it was considered the prisoners might be embarked with safety.

Dated 21st instant.

MADRAS, *8th May* 1856.

From C. COLLETT, Esq.,
Joint Magistrate of Malabar,

To T. PYCROFT, Esq.,
Chief Secretary to Government.

SIR,—I have the honor to report for the information of the Right Honorable the Governor in Council, that of the thirty-three Moplahs ordered to be deported from Malabar, one named Puthen Pidiyail Koyamu Mulley (2nd prisoner in case No. 21) had died before the receipt of the orders of Government. Of the remainder embarked on the *Assaye,* one named Cholaparambatha Uni Moye (1st prisoner in case No. 16) died at sea on the 23rd April, and another named Mukry Powra (4th prisoner in case No. 16) was landed at Masulipatam, instead of Rajahmundry, the medical officer of the *Assaye* having certified that it was absolutely necessary to do so on account of his health; the rest were landed at the several places directed by Government. The female prisoner, Mambratta Beebee, (2nd prisoner in No. 9) was accompanied by her infant child.

No. 1512.

POLITICAL DEPARTMENT,

BOMBAY CASTLE, *3rd April* 1856.

From H. L. ANDERSON, Esq.,
Secretary to the Government of Bombay.

To T. PYCROFT, Esq.,
Chief Secretary to Government, Fort Saint George.

SIR,—In continuation of my letter, dated the 29th January last, No. 239, relative to the Moplah chief priest Syed Fasil, I am directed by the Right Honorable the Governor in Council, to forward to you, for submission to the Right Honorable the Governor of Fort Saint George in Council, copy of a communication from the Political Resident and Commandant at Aden, dated the 16th ultimo, No. 42-120, as well as copies of Mr. Chief Secretary Malet's letters, Nos. 4186 and 4275, dated the 27th September and 5th October 1853, therein referred to.

2. A copy of Captain Haines' letter, No. 39, dated the 3rd September 1853, was forwarded to you with Mr. Chief Secretary Malet's letter, No. 4281, dated the 5th of the following month.

Digitized by Google

No. 42.

POLITICAL DEPARTMENT,
16th March 1856.

From Brigadier W. M. COGHLAN,
Political Resident and Commandant, Aden,

To H. L. ANDERSON, Esq.,
Secretary to Government, Bombay.

SIR,—I have the honor to acknowledge the receipt of your letter, No. 518, dated 16th February 1856, and to inform you, that having closely examined the records of this office, I can confidently state, that no warning or letter of any kind from Mr. S. B. Haines to the late Mr. H. V. Conolly, regarding Syed Fazil, the Tangul Terevengachy, can be traced therein.

2. The only correspondence which I can discover on the subject up to the date of Mr. Haines's departure from Aden, is that noted in the margin.

Letter No. 39-390, dated 3rd September 1853, from the Political Agent at Aden; to A. Malet, Esq., Chief Secretary to the Government of Bombay, Political Department.

Letter No. 4186, dated 27th September 1853, from A. Malet, Esq., to the Political Agent, Aden.

From the same, to the same, No. 4275, dated 5th October 1853.

No. 388.

ORDER.

Ordered that copy of Mr. Secretary Anderson's letter of the 3rd instant, be furnished to the Magistrate of Malabar.

The papers that accompanied the letter will not be sent, as the most important of them are already on the Magistrate's records.

(Signed) T. PYCROFT,
Chief Secretary.

FORT ST. GEORGE,
18th April 1856.

No. 47.

CALICUT, *20th May* 1856.

From T. CLARKE, Esq.,
Magistrate of Malabar.

To T. PYCROFT, Esq.,
Chief Secretary to Government,
Fort Saint George.

SIR.—I have the honor to acknowledge the receipt of the Extract from the Minutes of Consultation, dated 25th April, and to report that in accord-

Digitized by Google

ance with the views and instructions conveyed in the 56th para., 48 persons have been released unconditionally; the remaining 15 are detained till they shall furnish the security which has been demanded of them. In each case the amount of security has been fixed with reference to the condition and station in life of the party bound, and the period of confinement in default of producing the required security has been invariably limited to one year.

2. The village of Munakel is situated in the Umshom of Vadakumbrom in the talook of Betutnaad.

This Umshom contains 1,496 Moplahs, whose property real and personal is valued at Rupees 30,000.

Adverting to the spirit exhibited by the Moplah inhabitants of this Umshom and their wealth, I would recommend that a fine of 2,000 Rupees be imposed on the Umshom.

I believe it will be desirable for the grounds set forth in para. 55 of the Government minute, as well as to serve as an example, and for the protection of the interests of the deported men, that their property should be placed under Government management, whenever such property may consist of land, or in cases where there may be so much money as to render its investment in Government securities practicable.

I have desired a list of all the property possessed by each of the parties to be made out, and of the claimants to it, and perhaps the circumstances of each case may be the best guide to determine how it should be disposed of.

3. An address embodying the several points alluded to in the 68th para. of the Government proceedings is under preparation. It will be printed and widely circulated. The only point on which I have ventured to depart from the instructions conveyed to me is in omitting to notice in the address that the period of the detention of the deported parties will greatly depend on the future conduct of their countrymen in Malabar.

4. The motive here set forth would be unintelligible to Moplahs, and likely to be grossly misunderstood. The finer and higher feelings of our nature are much lacking in the Moplah character, and I see no reason to think that the hope of regaining their lost friends would at all restrain or check a fanatical spirit, while any disappointment at the supposed delay in their return might afford them a pretext for a rise. It appears to me also that any intimation at this time of a return to Malabar of those who have been banished will tend materially to lessen the effect of the punishment inflicted. At present, mystery and hopelessness enshroud the fate of the thirty-two

Digitized by Google

deported prisoners, and I think it is well it should do so. Should good conduct mark the future conduct of all, and the Government deem it at any time safe to allow the return to Calicut of some or all the expatriated prisoners, it can then be notified with good effect that this leniency was shown in consequence of the Government feeling assured that the spirit which forced them to banish the returning parties no longer existed in Malabar.

5. Since the receipt of the Government orders, I have been collecting information regarding the amount of property possessed by the Moplahs in the Umshoms selected to be fined; but as the season of the Ramzan, one of more than usual excitement and irritability among the Moplahs, has just set in, I will, with the Government permission, defer carrying into execution this part of their sentence till after the close of the fast.

6. The principles and *modus operandi* which I have thought of following in assessing and collecting the fines are as follows:—

Having obtained nominal lists prepared by the Curnums and principal Moplahs of each Umshom, showing the amount of the property of all the Moplahs in the amerced Umshoms who may be known to be worth 100 Rupees in land or ready money, and having ascertained the number of villages in each Umshom, I propose fixing on each village a per centage of the fine awarded in proportion to the proximity of the villages to the scene of guilt, and the extent to which its population in general might have sympathized and been deemed implicated with the assassins. Having thus fixed on the portion to be paid by each village, I propose taking in the first instance in each village, the property of those deported, and making it answerable at the rate of from 50 to 25 per cent. except in those cases in which the fines have been fixed by Mr. Collett. I would then select those who have been included as prisoners in the cases submitted to Government, making their property answerable at the rate of from 25 to 10 per cent. In case the parties released are men of no property, I propose levying from each a fine of from 5 to 3 Rupees.

On the rest of the inhabitants, the fine I think would be found to average from 10 to 3 per cent. of their declared property.

7. Having on these principles assessed the fines on the properties submitted in the nominal lists received from the Umshoms, I would propose to proceed immediately after the close of the Ramzan to Angaddipoorom in Valavanaad talook with a party of the Malabar Police Corps, and there calling on each of the inhabitants of the several villages subjected to fine to appear

Digitized by Google

before me, I would have read out to him the amount of the property he was declared to be possessed of and the amount of fine affixed rateably on him, and he should be challenged to show, if he pleased it, that the value of his property had been exaggerated ; every facility will be given to objections being stated to the correctness of the list furnished from the Umshoms, and a full and free discussion on this head invited.

After all objections have been heard and disposed of, and a final decision arrived at as to the amount to be paid by each party, the fines will be declared, and the mulcted parties called on to pay them without delay. In such individual cases as it might seem called for, a longer period than usual might be allowed. However, in each case, a day will be fixed, and if the fine be not then paid, the property will be attached and sold. I trust, however, that I shall not be compelled to have recourse to such extreme measures, but that the fines will all be paid without any hostile demonstration of feelings on the part of the people.

8. After disposing of the Talook of Valavanaad at Angaddipoorom, I purpose proceeding to Betutpoodiangaddy in Betutnaad Talook and following the same course, and then to Tirowangaddy in Shernaad, and lastly to Calicut.

Before leaving a Talook, I hope that the greater part, if not all, the fines will have been collected.

9. The Sessions Court have adjudged the whole of the property of the assassins to be forfeited to Government, and such property as can be found has been confiscated; a list is herewith appended.

10. One of the assassins, Yemaloo, held a usufruct mortgage claim on certain lands situated in Annacayen village of Munjerry. The deeds connected with this transaction are all drawn out in the name of his wife. But there cannot be a doubt that the property was really and *bona fide* the assassin's. It is a common practice on this coast among Moplahs of the class of Yemaloo to have for the sake of greater security all deeds connected with property drawn out in the name of one of their wives.

Subsequent to his mortgage, Yemaloo in 1851, borrowed from the proprietor of the land, a sum of money on the security of his mortgage, and stipulated that, if the debt were not repaid within the year in which it was contracted, the mortgage would be foreclosed, and the land revert to the proprietor without the payment of any further consideration on his part.

It does not appear that Yemaloo ever performed his part of the contract, and the land therefore at the end of the year might have been taken posses-

Digitized by Google

sion of by the Jenmee; but it is remarkable that for five years he has permitted his right, if it be a *bona fide* one, to lie dormant, and it was only when the property was ordered to be attached that he at all moved in the matter.

11. On the 27th September 1855, the Jenmee preferred a suit in the District Court of Ernaad to have the money repaid, or the terms of the deed he holds put into force. There is no doubt of the genuineness of the deed, but as to its authenticity and the *bona fide* nature of the transaction or even of its validity I entertain strong doubts.

12. It is well known that for years past, the assassin was meditating devoting himself to death, and was in 1853 placed under a requisition of security on this very ground.

It is possible and probable that the deed in question originated in a desire to secure a provision for the widow, who was to be paid some sum understood by the Jenmee, who would thus prevent the land falling into the hands of parties on whom he could have no hold.

Again, the property which in 1851 was only worth 80 and odd Rupees, is now valued at 126. The Jenmee can hardly in equity claim this benefit on the ground of his own *láches*.

13. There are two ways in which the Government might dispose of the question—either by selling as an escheat the assassin's right in the property, which clearly was his at the time of his death, and paying the Jenmee the amount lent by him, leaving him, if he thought good, to bring an action against the Government for the residue, or—

2ndly. By laying the matter before the Sessions Court for adjudication. But as perhaps the question might eventually come before the same Court in appeal on the civil side, it may be the preferable course for the Government to attach and sell the assassin's right, leaving it to the Jenmee to try his claim in a Civil Court to obtain more than the sum he advanced, but I think he will be satisfied with the amount of his original loan. I solicit, however, the instructions of Government on the subject.

List of property of the Assassin Pooliakoothoo Tenoo, and under confiscation.

	Rs.	A.	P.
Mortgage claim on the Tayatha Chernala land, and the land on the northern side thereof.............................	11	6	11
Average value of the house and cowstall standing on the Coodiripoo Paramba, the Jenm property of Ayraree Cherry Kulla..	8	3	6

Digitized by Google

	Rs.	A.	P.
Ditto of paddy, cattle, copper vessels, and other sundry articles …………………………………………	34	15	7
Ditto of 108 parahs and 6¼ edangallies of paddy reaped from the abovementioned land………………………………	31	0	0
Total Rs…	85	10	0

List of Property of the Assassin Vallasherry Yemaloo, and under confiscation.

	Rs.	A.	P.
Mortgage claim on the Poolikatoddy Paramba………………	25	0	0
Average value of the improvements on the above Paramba.…	200	0	0
Do. do. of a dwelling house standing on do. … … … ………	20	0	0
Total Rs…	245	0	0

JUDICIAL DEPARTMENT.

No. 592.

Extract from the Minutes of Consultation, under date the 4th June 1856.

Read the following letter from the Magistrate of Malabar.

(Here enter, 20th May 1856, No. 47.)

The Magistrate of Malabar reports further on the proceedings which he has already taken, and which he would propose to take towards carrying out the orders of Government, in respect to the Moplahs, charged with complicity in the murder of the late Mr. Conolly, contained in Extract Minutes Consultation of the 25th April last.

2. Under the discretion conveyed in para. 36 of that extract, forty-eight Moplahs have been released unconditionally. The remaining fifteen have been detained on requisition of security, the amount in each case having been fixed in reference to the condition and station in life of the party, and the period of confinement in default of the required security having been invariably limited to one year. The Government approve these proceedings.

3. The fine to be levied on the Umshom of Vadakumbrom, in which the village of Munakel is situated, it is proposed to fix at Rupees 2,000 or between 6 and 7 per cent. on the estimated aggregate property real and personal of the Moplah population of the Umshom. The Government confirm this amount of fine.

30,000 Rupees.

Digitized by Google

4. The Magistrate submits his opinion in reference to para. 55 of the Government orders, that the property of the deported parties should be placed under Government management, whenever such property may consist of land, or in cases where there may be so much money as to render its investment in Government securities practicable. This course will consequently be adopted, a special report upon the administration of the properties, real and personal, being sent in annually to Government through the Board of Revenue. Intimation of this measure will also under Section IX, Regulation II of 1819, be made to the Court of Sudder Adawlut and the Civil Court of Calicut. Copy of this para., of para. 55 of Extract Minutes Consultation, 25th April last, and of the last part of para. 2 of Mr. Clarke's present letter will also be communicated to those authorities. The Magistrate will also furnish the Civil Court with a full list of all the property, landed or personal, of which he may assume the management under these orders.

5. The Government will not object to the address to the Moplah population being modified in the manner mentioned by the Magistrate in para. 3. The omission which he would make is not of great moment, and the Government are willing to defer on this point to his knowledge of Moplah ideas and feelings.

6. Mr. Clarke has prudently deferred carrying out that part of the orders of Government which relates to the fining of the implicated Umshoms until after the close of the Ramzan. In the interim, he has been occupied in collecting information, and in paras. 6 and 7 he explains clearly both the principle on which he proposes to proceed in assessing on the Moplahs of each of the Umshoms the sum to be paid by it and the course which he designs to follow for collecting the money.

7. The Government entirely approve the Magistrate's proposals in respect both to the apportionment and realization of the fines. Adverting indeed to his reference to the fines fixed on some individuals by Mr. Collett, they may remind him that they have remarked upon these fines, as being high in some instances, but they will not interfere with his discretion on this head.

Extract Minutes Consultation, 25th April 1856, para. 64.

8. Mr. Clarke will be so good as to report to Government his proceedings for each Talook, as soon as he has finished them.

9. The landed property mortgaged to the assassin Yemaloo, will be disposed of in the first of the two modes specified in para. 13, viz., the right of Yemaloo will be sold as an escheat, and the amount actually lent by the

Digitized by Google

Jenmee be repaid to him, it being left to him if he see fit to attempt the recovery of the residue by a civil action.

No. 55.

BETUTPOODIANGADDY, 25*th June* 1856.

From T. CLARKE, Esq.,

Magistrate of Malabar,

To T. PYCROFT, Esq.,

Chief Secretary to Government,

Fort Saint George.

SIR,—1. In obedience to the orders conveyed in para. 8 of the Minutes of Consultation of the 4th June 1856, No. 592, I have the honor to report that I have been permitted and enabled to collect all the fines in the talook of Valavanaad without any difficulty.

2. The Ramzan terminated on the 5th June, but as the public sales of the Cardamom and other farms had been advertised for sale in Calicut, on Saturday the 7th idem, I set out with my Special Assistant for Valavanaad on Monday evening the 9th, and reached Angaddiporom, on Wednesday morning the 11th. The state of the weather and of the roads prevented our doing so earlier. On our arrival, we found that the Adjutant of the Police Corps with fifty men had preceded us by a few hours.

3. At noon all the inhabitants of Nemeny who were obnoxious to the fine, with one single exception, the son of the Condoty Tangul, appeared before me. Rehim Shah declined to come, on the plea that he was merely the deputy and disciple of his father. The talook list of property was fully scrutinized, and all objections to it heard and disposed of. The list as it stood before and after the enquiry is shown in the accompanying tables 1 and 2. The property of this Umshom had been overstated, and was by the enquiry reduced $2\frac{1}{2}$ per cent. The rates of fine had consequently to be proportionately increased.

4. It will be found that the property of the banished prisoners has been fined at the rate of 20 per cent. That of the implicated parties released 15 per cent., and that of the Mookiestens in the village of Pattikad at 7, while the villagers only pay 6 per cent. In the villages from $\frac{1}{2}$ to 2 miles distant from Pattikad, the fines are 6 and 5 per cent. of the property of the Mookiestens and villagers. The Mookiestens in villages distant from 2 to 3 miles, pay 5 per cent. on their property, while the villagers only pay 4. In villages distant 3 miles, the villagers pay 3, and the Mookiestens 5 per cent.

Digitized by Google

5. It was late in the evening before the final adjustment was made, and the second list prepared.

6. After declaring the fines, 48 hours were given for the payment of the smaller fines, and the period extended to 60 hours in those of fines above 50 Rupees.

7. On Friday evening, I was informed that it was intended by a species of passive resistance to postpone, and if possible evade, payment of the fines.

8. I accordingly sent for the chief and influential men of the Umshom, among whom was the Adighary of Kariavattom. They immediately pleaded their inability to pay the amount demanded, and prayed the period of grace might be extended to two, three, and in some cases six months. In reply, they were distinctly informed, that no extension would be granted, and that if the fines were not paid up by the appointed time, notices of sale would immediately issue, and a proportionate amount of property be sold. I endeavored also to show that resistance could only injure themselves, and that perhaps very seriously; that the Government had on this occasion acted towards them with much leniency, and that no further concessions would be made. I reminded them of what had already taken place, and of the words of the Government message and of the address; and that, if they desired their repeated protestations of reform and amendment to be believed, they must by their actions give a pledge and guarantee that these were true; and that a favorable opportunity now offered of their doing so. After some further conversation, they went away, and a few parties, Nos, 1, 7, 12 to 15, 19, 20, 24, 28, 34, 40, 42, 43, 46 and 47, on the list,* appeared with their fines. On Saturday, all the fines but Nos. 3, 8, 9, 11, 16, 25, 26, 29, 41, 45, 51 and 53, had been paid. Two of the defaulters, one having brought more than half of the amount due by him, asked for an extension of time; and finding that they were doing their utmost towards collecting the amount assessed on them, I acceded to their request. On Monday morning, five notices were issued to the parties noted in the margin; during the day four of them brought their fines, the Tangul alone remained contumacious. Part of his property was on Tuesday advertized for sale, and on that evening the amount of his fine was paid. With regard to this man, it was expected that as the son and deputy of the person whom the Government had rewarded with the gift of a palankeen, he would be exempted from fine. I believe his father's hold on the property under the control of the son is merely no-

* No. 2.

Nos. 26,41,45,51 and 53.

Digitized by Google

minal. The son lived in the vicinity of the spot where the assassins had been entertained for days. He was present at a funeral feast, of which there are the strongest grounds for believing the assassins partook. It is impossible he could have been ignorant of their visit to the neighbourhood, if he did not see them. His position, influence, and the fact that his father holds a large grant of rent-free lands, only increased his responsibilities, and rendered his neglect of duty the more marked and reprehensible. I did not therefore feel at liberty to take the services of his father so much into account, as to absolve him from all fine, though I considered they might be pleaded in extenuation of an enhanced fine. He was therefore only fined rateably with the other inhabitants.

9. In the village of Nemeny, the largest amount of property is held by a family of young persons, whose father died only a few days before the assassins broke jail. The eldest male member of the family, a grandson, is about 20 years old; the lads who appeared before me were 17 and 15. There is reason to believe that the assassins were present, and partook of some of the viands distributed at the funeral feast given in memory of the deceased; but adverting to the age of the chief members of the family, I did not mulct the property of this family rateably with the other property of the village of Moolliankoorshy, though I think now it would have been better had I done so and remitted to the family the difference between the general rate and the rate at which it was determined to fine them. The loss by the remission would then have fallen, not on the other inhabitants of the Umshom but on the Government. In cases Nos. 1, 2, 3, 29 and 39, where a remission has been granted, I have adopted this latter method. Case No. 1 is that of the widow of Poolliakoot Veeran, the prisoner in case No. 1,* who died in jail on the 19th February 1856. The property of her husband, like that of all implicated parties, was fined at 15 per cent. In consideration of her helpless condition, and that she was the first who paid her fine and that in full, I have remitted half of it; so also in case No. 2, the head of which family also died in jail. Three young orphan children alone remain, and I believe they have had some little difficulty in collecting the whole amount of their fine. In No. 39, the owner of the property is the Adighary of Kariavattom. He was at the time the assassins were at large sick and confined to his house. He has hitherto proved as loyal as any other Moplah in these disturbed districts, and has borne a fair character. Taking these circumstances into consideration, with the active aid he has afforded on the present occasion, and the very large amount that his family

*Sent by Mr. Collett.

Digitized by Google

and connexions have been mulcted in this and the neighbouring Umshom of Kariavattom, I did not exact from him the increase created by the second apportionment, but fined him at the rate originally fixed, or 5 per cent. The difference between this rate and what he would have paid under the second apportionment, or the amount remitted, is Rupees 61.

10. In case No. 29, Cannymel Coonhoonyen shewed clearly that some of his property had been entered in the Menon's list as Jenmum which was held only on mortgage tenure, and he produced his title deeds in proof of his assertion. This caused the necessity of reducing the amount of his fine by 24 Rupees. This reduction took place after the fines had been partly paid. I have therefore remitted to him the excess, but have not assessed the amount on the village.

11. In the case of Coonhat Oomah,* it was proved that the circumstance which brought her husband within the category of prisoners was brought to light by her. She informed of his having a knife and designing against the life of the Tahsildar. I have therefore reduced her fine by 9 per cent., which would make the fine equal to the fine paid by other inhabitants of Pattikad.

* No. 3.

12. In regard to the banished men whose property is under attachment and amounts to Rupees 99 in land and live stock, some of the live stock has been sold to pay the fine.

13. On Thursday the 12th June, the people of the village of Kariavattom appeared before me. The objections to the appraisement of the Menon were more numerous in this Umshom than in Nemeny, and after the list furnished by the Tahsildar had been fully examined, the names of no less than 16 people who were shown to be in the possession of 100 and odd Rupees were added, as will be seen by lists 3 and 4. After assessing the fines on the ascertained amount of property, as shewn in the list No. 4, they were declared, and the people warned to pay them on Monday the 16th June. On this day, 1500 Rupees were paid. Some parties appeared with small portions of their fines, and promised the rest on Wednesday. On Tuesday, a further sum of Rupees 211 was paid. In the cases of the numbers noted in the margin, notices of sale were issued; but all the fines were paid up by Thursday, excepting in the cases of Nos. 8 and 44, in one of which† substantial security was given for the payment on Friday. In these cases, there had been some dispute as to who should pay the fine, and I was not able to arrive at a decision till the Wednesday and Thurs-

Nos. 8, 14, 38 and 44.

† No. 8.

Digitized by Google

* No. 44.

day. In one case* property to the value of 15½ Rupees was put up for sale in default of the payment of Rupees 7.

14. In this Umshom, I also exercised the discretion allowed by Government and made a few remissions.

In No. 3 on the list† of this Umshom, the man fined is a lame man and unable to do much for himself.

† No. 4.

15. I found also that the property of the parties in cases Nos. 8 and 44, had been overstated. Mortgages and debts much diminished them. The remission in the first case was Rupees 29, that in the second 19, and in the third 9 Rupees.

16. Chief among the secondary causes which have operated in enabling me to collect with so much facility the fines in this most fanatical talook, I view the removal of the banished men by sea on board the steamer. The silence and suddenness with which this vessel came and went away, the rapidity of her movements, the mysterious power attributed to her, the objections of natives generally here to the sea, and the uncertainty which hangs over the fate of the deported men have struck a wholesome dread into the minds of the people of Vallavanaad. They see also in the removal of these men, and in the imposition of the fines that the Government are determined by strong measures to break down the spirit which has worked such evil and disastrous consequences in this favored district.

17. Another cause has been the co-operation of the Adighary of Kariavattom. This man possesses very great influence among the Moplahs in his neighbourhood. He is an acute intelligent observer, well connected with ancient and influential Moplah families, is much employed by the Condoty Tangul and Tahsildar of Ernad, is possessed of wealth, and has long held the office of Adighary. I think he has seen in the deportation of the Moplahs that property and influence have correspondent responsibilities and duties, and that Government are resolved to enforce the latter, while they protect their possessors in the full enjoyment of the former.

18. I am not satisfied that the loyalty of this man more than that of the Ernad Tahsildar or of any other influential Moplah is perfectly pure and disinterested, or can be implicitly relied on; but I think that it may be counted on where self interest is clearly on the side of Government, as it is in this instance, and where the sentiments of the more respectable of their class may, from fear or other extraneous motives be conceived rather to favor than thwart the exertions of such men.

Digitized by Google

The better class are ashamed and tired of the obloquy and the inconvenience which the murder of the late Collector has brought on their race, and will be glad to bury the whole matter in oblivion. Any thing which they conceive will hasten such an end, meets therefore with favor from them, and hence I think the efforts of the Adighary are not only countenanced but approved by the respectable and intelligent Moplahs.

JUDICIAL DEPARTMENT.

No. 736.

Extract from the Minutes of Consultation, under date the 10*th July* 1856.

Read the following letter from the Magistrate of Malabar.

(Here enter 25th June 1856, No. 55.)

As directed in Extract Minutes Consultation, dated 4th June 1856, No. 592, the Magistrate of Malabar reports in the above letter, the progress he has made in the collection of the fines assessed upon the Moplahs of the Umshoms which harboured the assassins of the late Mr. Conolly.

Mr. Clarke's proceedings have as yet been confined to the talook of Vallavanaad, within which two of the implicated Umshoms, Nemeny and Kariavattom are included. The amount of fine assessed upon each of these Umshoms was 2,000 Rupees.

Leaving Calicut a few days after the close of the Ramzan, the Magistrate, accompanied by his Special Assistant, entered the talook on the 11th June, and was met at Angaddipoorom by the Adjutant of the Police Corps with 50 men. The adjustment of the fines was at once entered upon, first as related to the Umshom of Nemeny, and afterwards to Kariavattom, and the property was rated as shown in para. 4 of the Magistrate's letter. That of the banished prisoners has been fined at 20 per cent, and that of the implicated parties released at 15 per cent. The head men of every village where the assassins rested have been amerced at the rate of 7 per cent. and the villagers at 6 per cent., while the inhabitants of neighbouring villages have paid from 6 to 3 per cent. according to their distance from that locality.

After publicly declaring the fines, a limit of 48 hours was allowed for the payment of the smaller sums, and 60 hours for those which exceeded 50Rupees. With the exception of 7 Rupees, the whole amount* has been collected withoutthe sale of property, and was produced before the Magistrate with little show of objections or contumacy.

Amount of Fine.	
* Nemeny................	2002
Kariavattom......... ...	2008
	4010
Deduct Remissions.	
In Nemeny..............	144-8
In Kariavoottom	57
	201-8
Amount collected...	3808-8

Digitized by Google

In some instances, the Magistrate, under the discretion allowed to him has remitted portions of the fines and reduced the rate at which certain individuals were originally assessed. These cases are particularly referred to in the latter part of para. 8, and in paras. 9 to 11 and 14, 15.

The Magistrate's proceedings appear to the Right Honorable the Governor in Council to have been conducted with judgment and discretion, and have his entire approval. Mr. Clarke will keep the Government informed of his progress in collecting the fines assessed upon the remaining Umshoms.

No. 59 A.

TANOOR, 6*th July* 1856.

From T. CLARKE, Esq.,
Magistrate of Malabar,

To T. PYCROFT, Esq.,
Chief Secretary to Government,
Fort Saint George.

SIR,—In continuation of my report of the 25th ultimo, I have the honor to inform you that I arrived with my Assistant at Betutpoodiangady, the Cusbah station of Betutnaad, on Saturday morning the 21st. I found however, that the people of the fined Umshoms had not been all collected, and that the accounts furnished had not been tested. For this neglect, I hold the Tahsildar Rama Menon chiefly responsible, but the Police Gumastah Koma Panniker, and the Adikary, and Menavan of the Talikad Umshom, Kistnen Menon and Koonya Menon were very much to blame. These latter officers had evidently taken no trouble to inform themselves of the truth of the statements made to them by the principal Moplahs, nor did they, during the enquiry, aid me at all as they might have done. In fact, I was compelled to dispense with their services as well as with those of the Adikaries and Menavons of the three other Umshoms in this talook, as utterly, useless. The names of the village officers in these three Umshoms are,—

In the village of Vuddakomporam, the Adikary's name "Cooty Ramum Menon," and the Menon's name "Oonaikah Menon."

In the village of Kulpakamcherry, the Adikary's name "Narrainah Mosathah," and the Menon's name "Gopal Pannikara."

In the village of Kunmanum, the Adikary's name "Verah Ooney," and the Menon's name "Comara Mosathoo."

Digitized by Google

Had these officers done their duty, my enquiries might have been greatly facilitated ; but cloaking themselves under the idea that being Hindoos they could not be supposed to have it in their power to render effectual aid regarding the property of Moplahs, or from worse motives, they utterly neglected their duty. In the other talooks, Hindoo officers rendered me efficient aid.

2. I was therefore reluctantly compelled to postpone my enquiry till Monday the 23rd.

On that day I was engaged with the Umshom of Kulpakamcherry. It was late before my examination, with the inhabitants, of the talook prepared list of property was completed. On Tuesday the 24th, I was engaged with the Umshom of Kummanum, and Mr. Thomas with that of Vuddakomporam. On Wednesday the 25th, the list of the village of Tallakad occupied me. The fines were declared the day after the lists had been examined, and, as a general rule, 48 hours granted for the payment of the fines: this time was extended in particular cases. The examination in these Umshoms was very much protracted by the people, who canvassed every item of property attributed to them. I have reason to think that their possessions were rather under, than overstated, except in one or two cases where the properties of different members of a divided family were clubbed together instead of being kept separate.

3. The amount of fines imposed on the Umshoms of Kummanum and Kulpakamcherry, seemed to me to be excessive with reference to the amount of property that the parties to be fined were said to possess. The original list showed that the fines must average from 25, 17, 15, 14, 13, 12, 11 and 10 per cent. of the delcared property in the Umshom of Kulpakamcherry, and from 25, 18, 17, 16, 14 and 5 per cent in Kummanum Umshom. I therefore at once remitted 500 Rupees in each Umshom, or 20 per cent. of the fines.

4. Assuming, and I believe the assumption correct, that but half the amount of the property of the parties included in the lists had been declared, the reduced fines appeared sufficiently heavy, and seemed more to accord with the views of Government declared in the close of para. 62 of the Minutes of Consultation of the 25th April last, than the demand of the whole amount originally proposed.

5. In addition to this general remission alluded to above, I have, in the village of Kulpakamcherry remitted Rupees 11 to a widow* and her young son, a boy of 8, and considering the poverty of several of the parties who in this

* No. 18 in List No. 1.

Digitized by Google

* Sent by Mr. Collett.

Umshom had been included in case No. 9,* I remitted the fines which I at first proposed to collect from them. The total remissions therefore in this Umshom amounted to Rupees 21 per cent. The fines average from 6, 7, 8 and 9 per cent to 11, 13, 15 and 20 per cent. of the declared property of the parties fined. The only person† amongst those brought before Mr. Collett, who is said to be possessed of property was fined at the rate of 20 per cent.

† No. 3.

6. In the cases of those on whom a degree of suspicion rested, but yet not sufficient to justify proceedings being taken against them, 13 per cent. was levied from the Mookiestens, and 11 per cent. from the others.

7. The Mookiestens of the villages in which the assassins remained were fined at the rate of 11, and the villagers 9 per cent. Of the village 2 miles distant, the Mookiestens at the rate of 9, and the villagers 7 per cent. Of the village 2½ miles distant, the Mookiestens 8, and the villagers 6 per cent. Another village a little more distant, 8 and 6 per cent. Two Rupees were collected from one of the accused parties in case No. 9,‡ and 3 Rupees from each of the late Umshom peons. The reduced fines of this Umshom, which amounted in all to Rupees 1,989, were declared late on Tuesday evening, and the parties required to pay the amount assessed on them on Friday. On that day 1,558 Rupees were paid, and the greater portion of the balance on Monday. One notice was issued, and the whole amount collected without any further process by the 2nd July.

‡ No. 66.

8. In the Umshom of Kummanum the fines in the revised list are from 25 per cent. to 12 per cent. of the property, as shown in the accompanying table.§

§ List No. 2.

9. In addition to the general remission in the Umshom, I remitted Rupees 22 to a party¶ who showed that property declared to be his had been entered a second time in the list, as property belonging to another party. The fines in the cases of both had been assessed with reference to such property; the property was common property, not under the management of the complainant.

¶ No. 32.

10. The fine imposed on the party entered as No. 63, on the list, under the impression that he was a Moplah and a priest, was remitted on its being clearly proved by him that he was neither, and not connected with this class, but that he was an Arab sailor.

Digitized by Google

11. I also remitted 8 Rupees to a Mookiesten* proved to be much involved. The whole remission in this Umshom amounted to Rupees 1 per cent. on the declared property. The reduced fines, which amounted to Rupees 1,869, were declared on Thursday, and ordered to be paid on Saturday, on which day 1,356 Rupees were paid, and on Monday the 30th June, 426 more. The whole fine was collected by the 2nd July. Four notices were issued in this Umshom, but no further process was necessary.

* No. 33.

Vuddakomporam.

12. The amount of fines shown in the original list was Rupees 2,006. The persons† implicated in the case No. 10 being proved to be without means, the fine of 1 Rupee on each was remitted; the whole remission amounted to 15 Rupees, or ¾ per cent. on the amount originally fixed.

† List No. 3.

13. The reduced fines were declared on Thursday, and as the parties lived at a distance, they were required to pay the amount due by them on Saturday and Monday. One hundred Rupees were paid the first day; the rest on Monday, except 900 Rupees due from one individual, which was paid on Tuesday the 1st of July.

Talakad.

Rupees 5,000.

14. In this Umshom I had much difficulty. There was manifested a combination to frustrate all my inquiries. The people are rich and litigious. The houses in this village are close together, and it was impossible that the assassins could have taken refuge in any part of the village without its being known to the whole population. The Mookiestens and inhabitants of the southern portion of the village have been more heavily fined than those living in the other parts of it, as they are proved to have taken a more active part in assisting the assassins, but all have been fined, as will be seen, in the accompanying list.‡

‡ No. 4.

15. After I had had my revised list prepared, it was declared that parties not shown in the list held property of higher value than 100 Rupees; this led to a further enquiry, and the addition of fresh sums, which accounts for the petty fractions observable in the distribution of the fines in this village.

16. The person who is marked as the No. 18 on the list, (talook list), is the person who forwarded the warning to Mr. Conolly. This

fact, though not mentioned, was fully established before Mr. Collett, I believe. Deeming her to have done all that lay in her power to counteract the designs of the assassins, I have remitted her fine.*

* Rupees 151.

I should have been glad if she had allowed me to recommend her case to the favorable consideration of Government, with a view to some mark of favor being shewn her, but she declines any reward. It appears from all that I have been able to gather, that Pathooma having obtained information of the design of the assassins, induced her son to have the anonymous communication received by Mr. Conolly, written and posted at Ponany. The letter itself is before the Government. I need not therefore dwell on the interest manifested in it towards, and the earnestness with which the writer pleads, that measures of precaution should be adopted by the late Mr. Conolly. Details were given to allow of the statements being verified, and names of parties mentioned. That an anonymous form of communication was adopted is not surprising, considering that the chief author of the letter was a Moplah female of respectability, the clannism which exists among this people, and the miserable fate which has awaited several who have given information in such cases as this. These considerations also probably weighed in preventing Pathooma from coming forward on the issue of Mr. Collett's proclamation, and owning herself the authoress of the anonymous writing.

17. The fines in this Umshom were declared on Thursday; but, as I observed above, I experienced much difficulty in collecting them. All sorts of evasive proceedings were adopted; first, it was proposed to pay half the amount fixed; then, the people demanded a year to pay the whole amount; then, that I should take their property at the valuation placed on it by the Menon in pledge for the sums due by each party, and allow them to redeem parts of their property on the payment of instalments of their fines. When I told them I could not heed such propositions, they pleaded they had no ready money, that their property had been overstated, and many other similarly vain and false excuses. So far from their property having been overstated, I believe that the statement does not shew one-fourth of it, though I believe the proportions declared had been well discussed and settled amongst themselves before they appeared before me, for no complaints were made that one had been fined at the expence of the other, though I called on the assembled villagers to shew if such were the case, and individually questioned them on this point, on more than one occasion.

Digitized by Google

18. The accompanying list* shews the proportion assessed on each of the parties liable to a fine. Besides the remissions made to Pathooma, Rupees 7 were remitted to some of the parties† implicated in the cases before Mr. Collett on the ground of proved poverty.

* No. 4.

† Nos. 93,95,98,100, 101 & 102.

19. The day fixed for receiving the fines was Saturday the 28th. On that day, Rs. 1,825 were paid. The fines came in so slowly, that on Monday evening the 30th, notices were issued to the largest defaulters. This process brought in the money, which was almost all paid by Wednesday the 2nd on my return from Tanoor. On Thursday the 3rd, and Friday the 4th, the whole balance was paid, and on the latter day, I was able to leave Betutpoodiangady again for Tanoor.

20. On Tuesday morning, the 1st instant, I had proceeded from Betutpoodiangady to Tanoor, and assessed the fines on the Moplahs of the Koodoovayoor Umshom. I took four of the villages of this Umshom, and left the remaining to Mr. Thomas. Beginning at an early hour, we did not conclude our work before 10 at night, when we returned to Betutnaad.

21. The revised‡ list of the people of the Koodoovayoor, having been prepared early on Wednesday morning the 2nd, was sent to the Tahsildar of Shernaad to declare. This was done the same day, and Rs. 1,028 of the fines, immediately paid. On Thursday the 3rd, and Friday the 4th, Rs. 1,845 were collected. I proceeded on Friday evening to Tanoor, and on Saturday by 1 o'clock, P. M., the Tahsildar arrived and reported that the whole of the fines had been collected.

‡ No. 5.

22. The enclosed list* shews the rates at which the fines were imposed in Koodoovayoor; the highest is 20 per cent; the lowest 2 per cent.

* No. 5.

23. No remissions were made in this Umshom.

24. None of the property of the parties in the four Umshoms of Betutnaad, has been sold. The fines were paid up in most cases even without a notice.

25. Except from the inhabitants of Talakad, who, as I observed above, did all in their power to protract and evade the payment of the fines assessed on them, I experienced no difficulty in collecting the fines, and I saw nothing of an evil or factious spirit manifested any where.

26. The district is perfectly quiet, and I have reason to believe that this punishment is working out good. If is felt and submitted to, not in

Digitized by Google

dogged sullenness, but in a subdued and quiet spirit; and though the parties fined will not allow they are fairly obnoxious to the sentence passed upon them, they admit the justice and propriety of measures being taken by Government to put a stop to the crime against which this punishment is aimed.

No. 65.

Calicut, 16*th July* 1856.

From T. CLARKE, Esq.,
Magistrate of Malabar.

To T. PYCROFT, Esq.,
Chief Secretary to Government,
Fort Saint George.

Sir,—1. In continuation of my letter of the 6th instant, I have the honor to report for the information of Government, that having returned to Calicut on Saturday night the 5th instant, I, on Monday the 7th, assessed the fines imposed by the Government on the Cutcherry Umshom of this talook, according to the accompanying list. The fines were declared the same day, and 48 hours granted for their payment.

No. 1.

2. The fines average from 50 per cent. on the property of Malakul Mahmoo to 10 per cent. and 7 per cent. on the villagers. Two Rupees were remitted to the wife of Tatacatamdu Mosla Markar Cooty and Nelagathi, Oossen Cootty on proved poverty.

3. The fines were all paid up by Wednesday, except 17 Rupees from No. 20, to whom a notice was issued, and the amount paid before my return from Tambercherry, and the amount due by Malakul Mahmoo, No. 1, whose fine must be realized by the sale of his property under attachment, or by some of his friends advancing the amount on the security of a part of the property.

4. On this subject, as well as on the amounts to be collected from Mandayporatha Mamod Cootty Moopen, his son Veera Oony, Nalagata Moideen, his son Packey Cootty, and younger brother Camoo in Betutnaad, I purpose addressing a separate letter to Government as soon as I can gather some more particulars regarding the value of the property of these persons.

5. On Wednesday evening I left Calicut for Tambercherry in Kadoor, an Umshom of the Coorambenad talook, lying between the border Umshoms of Wynaad and Calicut. It is situated in a wild jungly part of the country, is much infested with wild beasts which destroy and damage the lives and

Digitized by Google

property of the cultivators, and is a very unhealthy and feverish locality. At the time of my visit, many of the parties were suffering from the effects of fever, and no house had escaped scathless; several of the inhabitants were then prostrate with fever of a severe kind.

6. Under these circumstances, and finding that the greater part of the wealth of the inhabitants consisted of cattle, and that the people generally were poor, and that the exaction of the whole fine would press more heavily on the people than it appeared to be the intention of Government it should, I remitted at once 50 per cent. of the fine. The remainder was assessed and declared the same day, and the fines were paid in by Saturday noon without the issue of any process.

Vide List No. 2.

7. The fines it will be seen average from 20 and 7 per cent. to 2 per cent. of the property of the parties fined.

8. The fines on the property of Nos. 1 and 2, the banished men, were collected by the sale of some cattle.

9. The people of this Umshom seemed to be ignorant, but an orderly industrious and enterprizing people.

10. Everywhere I have been gratified to find, that the measures adopted by Government on this occasion, appear to be producing beneficial effects. The people appear now to believe and to realize that the Government are in earnest and have the power to suppress those fanatical out-bursts, and the rich and better educated Moplahs feel they will be held responsible for the diffusion of more correct and healthy views on the character of murders committed under a feigned and fictitious zeal for the honor of religion.

No. 3.

P. S.—A statement is enclosed shewing the whole amount of fines collected, and the class of parties from whom they have been collected, and the proportion from each class.

No. 854.

JUDICIAL DEPARTMENT.

Extract from the Minutes of Consultation, under date the 12th August 1856.

Read the following letters from the Magistrate of Malabar.

(Here enter 6th and 16th July 1856, Nos. 59 and 65.)

1. In his letter of the 25th June last, the Magistrate of Malabar reported the assessment and collection of the fines imposed on the Moplahs of the suspected Umshoms in the Valavanaad talook.

2. In his letter of the 6th July, he reports his proceedings for the same

purpose in the Betutnaad and Shernaad talooks, and in that dated 16th July in the Calicut and Cooroombrenaad talooks.

3. The amount assessed on each Umshom (according to the revised list) the remissions allowed and net amount of fines inflicted (inclusive of the Nemeny and Kariavattom Umshoms of the Valavanaad talook previously reported on, are shewn from Abstract statement, No. 3, appended to the letter of 16th July to have been—

Talooks.	Umshoms.	Amount of fine as per revised list.			Remissions.			Net amount inflicted.		
Valavanaad...............	Nemeny...................	2,002	...	...	144	8	...	1,857	8	...
	Kariavattom..............	2,008	...	...	57	...	...	1,951	...	...
Total...	......	4,010	...	...	201	8	...	3,808	8	...
Betutnaad................	Kalpakamcherry...	2,013	...	...	24	...	...	1,989	...	...
	Kummanom.......	2,001	...	...	132	...	...	1,869	...	...
	Vaddakomporom	2,006	...	...	15	...	...	1,991	...	...
	Talakad.......................	5,000	...	...	158	...	...	4,842	...	...
Total...	......	11,020	...	...	329	...	...	10,691	...	...
Shernaad...................	Kodoovayoor............	3,003	...	...	...	...	...	3,003	...	...
Calicut.....................	Cutcherry......	1,500	...	...	3	...	...	1,497	...	...
Coroombrenaad....	Kedawoor......	512	...	...	...	...	...	512	...	...
	Grand total....	20,045	...	...	533	8	...	19,511	8	...

4. The whole amount, Rupees 19,511, annas 8 has been collected, except Rupees 270 due by Malakul Mahmoo, one of the deported prisoners, which will have to be realized by the sale of his property under attachment, or by some of his friends advancing it on the security of a part of the property.

5. The fines were collected without the sale of property in any case, except in a few instances where it belonged to some of the banished Moplahs.

6. The fines which are to a large amount from Mandayporatha Mamood Cootty Moopen, his son Veera Oony, Nalagatha Moideen, his son Packy Cootty and younger brother Nalagatha Camoo in Betutnaad, deported prisoners, and which are under enquiry, have yet to be realized. On this, the Magistrate promises a further report.

7. The Governor in Council is of opinion, that the Tahsildar of Betutnaad, Rama Menon, and other officials mentioned by Mr. Clarke in the first para. of his letter of 6th July, should be severely punished for their

Digitized by Google

remissness and failure energetically to serve the Government on so important an occasion. The Magistrate should at his discretion visit their neglect of duty by fine, suspension, or dismissal.

8. The remission of the fine assigned to Pathooma, the widow, who gave warning to the late Mr. Conolly, was quite proper. She probably has declined all reward for fear of incurring odium among her people. It is, however, to be regretted, that such conduct should go unrequited. The Magistrate will suggest to Government some way of noticing it, whenever there should be a suitable opportunity.

9. The Government cannot conclude without expressing their approval of Mr. Clarke's proceedings, and their acknowledgments for the judgment and patience that he has exhibited throughout the business of assessing and collecting the fines. They consider the mode in which this punishment has been taken by the Moplahs, and the impression which it has made upon them to be satisfactory.

(Signed) T. PYCROFT,
Chief Secretary.

No. 94.

CALICUT, *2nd October* 1856.

From T. CLARKE, Esq.,
Magistrate of Malabar,

To T. PYCROFT, Esq.,
Chief Secretary to Government,
Fort Saint George.

SIR,—I have the honor to transmit to you for the purpose of laying before Government the papers noted in the margin.

1. Account particulars of batta to prisoners and witnesses.
2. Account of charges incurred on account of 2 female prisoners.
3. Do. of charges incurred on account of prisoners affected with small pox.
4. Do. of house rent, &c. incurred on account of the prisoners.
5. Do. of charges incurred in the transit, and burning of the corpses of the Moplah criminals.
5. A Do. of sundries.
6. Do. of charges incurred in the conveyance of office furniture.
7. Do. of charges for lamp oil used by guards.
8. Memorandum of stationery.
9. do. of extra writers, &c.
10. do. of losses sustained by various parties at the hands of the Moplah criminals.
11. A list of weapons, ornaments and other articles left by the criminals, &c. &c.
12. Account particulars of property belonging to the banished prisoners and under attachment.

2. The 1st is a statement shewing 1st. The sums expended each month in batta to the parties and witnesses examined by Mr. Collett in the matter of the assassination of the late Mr. Conolly, amounting to Rupees 2,534-7-4. 2d. The sums spent in providing clothing and cooking utensils for the parties under detention, amounting to Rupees 110-15-0. 3rd. The charges incurred in shipping and providing clothing, &c., for the banished prisoners

embarked on board the *Assaye*, amounting to Rupees 100-9-5, making the aggregate of these charges, Rupees 2,745-15-9.

The 2nd embraces the charges incurred on account of two women who gave birth to children while under confinement. These charges amount to Rupees 8-11-4.

No. 3 exhibits the charges incurred on account of such of the detained parties as were attacked with small pox while in confinement in the tobacco godown, amounting to Rupees 60-13-10.

No. 4 exhibits those incurred on account of the building rented for the custody of the accused, amounting to Rupees 209-2-11.

No. 5 is an account particular of the charges incurred in hanging the assassins in chains, and in bringing their corpses from Munjery, where they had been gibbeted, to Calicut and in burning the same ; amounting to Rupees 45-9-8

No. 6 is an account of the charges incurred in the carriage of office furniture, &c., used by the Joint Magistrate and his establishment on circuit, amounting to Rupees 60-3-10.

No. 7 is an account of the charges for oil used by the guards placed over the parties under enquiry in the talooks and before the Joint Magistrate, amounting to Rupees 43-8-9.

No. 8 is an account of the expense for the stationery consumed in the enquiry, amounting to Rupees 40- 2-6.

No. 9 is an account of the charges incurred for extra establishment entertained to translate and copy the proceedings of the Joint Magistrate; to guard the suspected parties, and for the hire paid to coolies employed in searching for the assassins ; conveying letters, &c., amounting to Rupees 1,603-15-9.

No. 10 is a Memorandum shewing the losses sustained by parties whose houses were invaded by the assassins before they were destroyed at Murayur, amounting to Rupees 1,259-8-5, and requesting that the sums exhibited in the first 9 statements, amounting in the aggregate to Rupees 4,878-12-5, may receive the sanction of Government, dependent on my producing before the Civil Auditor the usual vouchers.

No. 11 contains a list of the weapons, ornaments, clothing, ready cash, &c., found in the house in which the assassins took shelter, or on their remains, or picked up on the road travelled by them ; also of the clothing, &c., taken from the parties banished the district.

Digitized by Google

Parties possessing no property.
1. Mannamel Awran Cootty.
2. Mambra Syed Mahomed Coya Cootty.
3. ditto Beebee.
4. Mookry Bawootty.
5. Kallathil Paddy Mamoony.
6. Kanhara Koony Coyamoo.
7. Maylanjee Kara Moideen Cootty.
8. Oddova Koonymel Coya.
9. Chepaly Pokur.

Parties, the accounts of whose property will be hereafter furnished.

10. Mandayporta Mamod Cootty.
11. His son Veera Oony.
12. Nalagatha Moideen.
13. His son Packy Cootty.
14. Younger brother Camoo.

No. 12 contains an account of the property attached by the Magistrate as belonging to the banished parties with the exception of the property of those named in the margin.

3. The articles marked thus + in No. 11 were taken from the persons of the assassins by the soldiers of the European detachment, employed against them, and were received from the soldiers under a promise from Mr. Collett, that they should be returned; with the exception of these articles and the war knives, I would suggest that the remaining articles be sold by auction and the proceeds carried to the credit of Government. In regard to the property* included in list No. 12, it will be observed, that the greater portion of it is real property; the remainder, amounting to Rupees 2,246-9-3, consists of a few articles of jewellery, household furniture and of grain, fruit and cattle.

* Amounting to Rupees 10,770-14-6.

4. If the Government see no objection to the course, I would suggest, that the articles of jewellery (all belonging to women and children) as well as the household furniture and the live stock, be restored to their owners, or to the parties named by me in the column of remarks, as the representatives and managers of the family; that the grain, and seed, and fruit be sold and credited to the estate.

5. The rent derived from the lands of Nos. 1, 2, 3 and 4 is so small, after deducting the Government tax, that I question the desirableness of retaining the same under Government management; I would rather recommend, that they be restored to the nearest relatives of the banished parties willing to undertake the management of it, on their furnishing security to pay the proprietor's and Government shares of the rent, and to deliver up the property when required, and binding themselves to make no transfer or mortgages. The tahsildars of the talooks in which these lands are situated might be called on to report annually on the state in which they are kept. The landed properties in Nos. 5, 6, 11, 14, 15 and 16 are so very insignificant—a parcel of ground with a few trees and a house, that I would recommend, they be in like manner made over to the nearest relatives willing to take charge of them on their furnishing good and sufficient security to return them to the Government when required, and not to transfer or mortgage the

Digitized by Google

same. The Tahsildars might be required to see that these properties are not neglected, and might make a report on them annually.

6. To discover and make a list and superintend the properties, Nos. 12, 13, and 17, one Ameen and two peons have been employed on a monthly salary of Rupees 18, to be disbursed from the rent. Hereafter, one peon on a salary of 4 Rupees per mensem would be sufficient, and an Ameen on 10 Rupees per month; their employment would occasion an annual deduction from the property of these three persons of Rupees 168. These lands might be sub-rented to members of the families of the banished prisoners. They would undertake the entire management if allowed to do so, and furnish security for the payment of the annual rent and the tax.

7. Perhaps for the first two years it would be well to retain the lands under Government management, with a view of ascertaining the returns obtained from them; after that, they might be made over to the relatives on their furnishing sufficient security for the payment of such annual sums as might be determined on, including the Government tax.

8. It will be observed, that on one of the gardens of each property stands the family habitation, generally a thatched house, and that the family of the banished men consists of a number of female relatives and young children; these parties, dependent for their support on the exertions of the expatriated heads of their respective families, are now left almost destitute. The cultivation and management of the family estate would afford them a means of livelihood.

9. From the enquiries I have been able to make into the amount of property held by Mamoo,* I have ascertained that out of 540 and odd Rupees of property imputed to him, 353-11-2 is real property held in the name of his wife, and as far as I can learn, there is reason to believe that this property is *boná fide* her acquisition. This property, which is freehold, is valued at Rupees 353-11-2, but is mortgaged for Rupees 152-8-0. Part of it consists of nunjah land, and part of a paramba; the mortgagee of the former pays the owner annually 1 parah of paddy, the rest of the rent being absorbed by the interest due on the money lent and Government tax. The garden yields annually, in its present condition, only Rupees 9-7-10 in addition to the tax, an amount insufficient to cover the interest accruing on the principal lent. Deducting this garden, there remains real property worth only Rupees 150-10-10, and personal property valued at Rupees 35-10-3. This personality, it will be seen, consists solely of the most ordinary articles of household furniture: two pieces of

* No. 10.

Digitized by Google

jewellery belonging to a child, a few heads of cattle: the whole property amounts to Rupees 186-5-1, the half of which would be 93-2-6. The relations of the prisoners are ready to pay up this amount of fine if placed in possession of the property. It is possible the property might, if sold by auction, realize a little more than it is valued at. Its sale will leave the family of Mamoo without a house, or the means of support; I would therefore recommend, that they be permitted to pay a fine equal to half the property the prisoner is proved to have been possessed of, or Rupees 93, and that the property be made over to them on their binding themselves to restore it when required by the Government.

10. Since I last addressed the Government, the documents discovered in the houses of the Mandayapoora Moopen Mahomed Cootty, and Nalagatha Moideen shew that the real property of the former amounts to about 30,054-1-2, and that of the latter to about Rupees 8,000. It has been impossible to examine fully into the titles found, or to ascertain whether any, and if so, what is the extent of the claims or liens which may be held on these properties. Both the Moopen and Nalagatha Moideen were men of unscrupulous boldness: they exercised a great and evil influence in the neighbourhood. From the position formerly held by the Moopen's ancestors, of one of Tippoo's land assessors and collectors of revenue, and being himself employed as an Adighary, he had become possessed of so much knowledge of the affairs of the late Rajah of Betutnaad, that he was tempted and enabled to exchange as free-hold certain escheat lands in his possession for other free-hold estates which are now held in his name, but which he would have been called on to restore to the original owners on the fraud which he practised being brought to light.

11. It would appear also, that his mother, an old woman of 80 would, in the opinion of the Naib sheristadar,* be entitled, under the Mahomedan law, to a portion of the property held by him.

* Vide Naib sheristadar's memorandum, dated 18th September 1856, No. 13.

12. I do not think the mother's claim, even if a just one, could be at all sustained at law. There is no proof that her husband left her any property, nor has she ever advanced a claim for such for above twenty years. There is much probability that the transfer referred to by the Sheristadar may have been made, and that other claims may be set up; but, making allowance for all claims, the property of the Moopen may, I think, be safely assumed at 30,000 Rupees, and following the rule observed in the case of the other expatriated prisoners, half of it or Rupees 15,000 is liable for the fine. This

Digitized by Google

amount I believe his relations would be glad to advance on the mortgage of an equivalent quantity of land, or it might be collected by the sale of so much land of the unencumbered ownership of which there can be no doubt as would suffice to realize 15,000 Rupees.

13. Both of the courses proposed have their advantages and difficulties. By having the relations to point out the unencumbered land on which they would be willing to advance the money to be paid to Government, we should be saved much litigation and annoyance: the property would be well cared for, and the relations be afforded some means of support; on the other hand, it is questionable, how far the transaction would be sustainable, supposing any of the heirs at any time chose to object to recognize it or the lien on the estate.

14. Further, the relations are also not deserving of much consideration, as it is clear that personal property estimated at from 15,000 to 20,000 Rupees has been made away with. I have caused diligent search to be made for it, and have held a long and extensive enquiry into the matter, but have been unsuccessful in obtaining any clue to the place in which it has been secreted. Part of the property was, I believe, removed on the apprehension of the Moopen's son; but the delay in carrying out, and gross inattention evinced by the talook officers to Mr Collett's orders for the attachment of this property, as well as that of Nalagatha Moideen lead me to the conclusion that some of it was in the house at the time Mr. Collett's order was given.

15. Mr. Collett's order was given at Poodiangady, and reached the Acting Tahsildar, who was at the same place ten yards off the house occupied by Mr. Collett, on the 28th October. It was communicated in a yadust from the Head Moonshee of my Cutcherry, and directed that the attachment should be made immediately, promptly, carefully and before the matter could become known; and to ensure this the more effectually, the Tahsildar was informed that this form of communication had been adopted.

16. The Tahsildar took no steps in the matter till the next day, when he desired the Talook Sheristadar to proceed to Kaypagamcherry, and attach all the property he could find. The Tahsildar says, he gave this order to the Sheristadar early in the day, and that he left the Cutcherry as was supposed to carry it out. The Acting Tahsildar further affirms the intention to attach had not become known, and had been only communicated in confidence to his superior servants. The Sheristadar on the contrary says, the order was not given him till late in the evening of the 29th October, when he remonstrated against being sent, that the matter was no secret, having been publicly spoken of the day before, and his remonstrances having been

Digitized by Google

made aloud in the public Cutcherry. One moonshee supports the Sheristadar's statement that the order was not given till the evening of the 29th; but the gross contradictions, the palpable falsehoods, the extraordinary failures of memory exhibited in the enquiry, make it a most difficult matter to arrive at any very correct knowledge of what really took place, or the order in which events occurred. I have no doubt, however, that the matter was not kept a secret, and that the delay was intentional, and intended to favor the removal of the more valuable personalities. If all the property had been got out of the way previously, I do not understand why all the title deeds and other documents were not also carried away. However, the Sheristadar admits having received his orders at about 7 P. M., that he saw the Moonshee's yadust, and was aware of the émergency of it, and the care and secrecy it called for; but he did not leave his house till the morning of the 30th at 7 A. M., and did not reach the Moopen's house till after mid-day. He says, he then sealed up all the property he could find, and all the doors after having inspected every thing. One door alone eluded his search; but as this was within a sealed room, it was of no consequence. Mr. Thomas, my Special Assistant, who has lately examined the house, says, he can find no marks of seals, and that the house is full of secret closets and trap doors. It was one of these secret doors, and to which there was access by two different passages, that the Sheristadar states he overlooked. When discovered next day, he had to break it open by a blacksmith, and found that it was a place where property had been secured, but was then empty.

17. It is a remarkable and suspicious circumstance, that of many doors this was the only one of which it is alleged the women would not give up the key, and which it was necessary to force open, and yet there was nothing found in the closet. It is further to be observed that it is stated in evidence that only a few days before the order issued for the attachment, one of the relations of the Moopen came to the talook, and reported his fears that the property was being made away with. The Acting Tahsildar was then absent; he therefore went to the Police gomastah of the talook, who, in consultation and concurrence with the Revenue moonshee of the talook, despatched a peon with orders to the village Adighary and Menon to take all necessary precautions to prevent the property being plundered, and also desired the peon to remain and aid those officers. This proceeding was reported to the Acting Tahsildar on his return; he disapproved of it as unauthorized, and recalled the peon. No notice of this was given to the Joint Magistrate at the time or during his stay at Poodiangaddy. I cannot but look on the complaint, the issue and

Digitized by Google

recall of the talook order to the peon, the delay in carrying out Mr. Collett's order, the overlooking, discovery and loss of the key, and breaking open of the secret chambers, as so many little incidents pre-determined and enacted with a view of drawing off attention from the talook authorities, and of leading to the conclusion that the property had been removed long before the attachment was ordered.

18. However, the delay, the inattention to orders, the prevarication and falsehood on the part of the Sheristadar, were so gross that I have dismissed him the service. I have also dismissed the Acting Tahsildar, Ramen Menon, for his gross neglect and disobedience of orders, his prevarication and falsehood in regard to this case, as well as that of the attachment of the property of Nalagatha Moideen.

19. With regard to the property remaining over and above that required to realize the amount of the fine imposed on the Moopen, I would propose, that one Ameen should be appointed to take charge of it as well as of the residue of the property of Nalagatha Moideen on a salary of 12 Rupees, with two peons on 8 Rupees per mensem, and that he be vested with the Police powers of a Sub Officer of Police, that he be required to keep an account of the lands, &c., made over to his charge in the accompanying form A, and submit each year an account in the form B, of the proceeds of the estates, and the sums disbursed upon them, and that he be required to swear to this statement in the court.

20. It is more difficult to arrive at any satisfactory knowledge of the property of Nalagatha Moideen than that of the Moopen. His deeds and documents give the subjoined result; but on examination on the spot all sorts of claims and liens are set up. This man was notoriously litigious, and as unscrupulous as he was litigious. Many blank stamped olahs of old dates duly endorsed are found among his documents, and many suspicious-looking bonds and deeds have also been discovered. It may therefore be, that when these claims are fully scrutinized, they may some of them be found not sustainable or just ones. However, a list of part of his landed property was discovered, and there is reason to suppose that his landed property cannot be less than 8,000. The half of this or Rupees 4,000 should, I think, be appropriated to the payment of the fine imposed on him. The fine may be collected either by a mortgage to his relation or sale of a part of his property. I should be inclined both in this case and in the former to recommend that the property be sold. Nalagatha Moideen was supposed to be possessed of some 10,000 Rupees worth of personalities, but nothing was found in his house.

Digitized by Google

21. On the same day that the Sheristadar received his orders, the Acting Tahsildar states, he gave a verbal order to the Police gomastah to draft an order to himself, to the same effect as that given to the Sheristadar, but that this was not done; that on the 30th he ordered the Revenue moonshee to prepare an order which he sent to this Police gomastah, but that that Officer on the plea that he must remain to prepare the criminal statements, was on the 31st October excused, and an order sent on the 1st November, to the Head gomastah instead. The house of Nalagatha Moideen is about half a mile from the Cutcherry, and yet five days elapsed before Mr. Collett's order was obeyed—and was it surprizing that no property was found? The Acting Tahsildar further says, he knew Moideen was a man of no property at all. Nalagatha Moideen's son stated he believed his father had personalities to the extent of 5,000 Rupees, but he does not know where it is. The Tahsildar should have himself at once proceeded to the spot or sent one of his subordinates—the whole might have been done in a few hours. The Police gomastah in addition to this neglect, lies under very strong suspicion of tampering with the dates affixed to the yadast, and those entered in a diary kept by him of where he was each day. He too has prevaricated most grossly. He has been dismissed.

22. Of those who have been transported, it is probably known to the Government that the three noted in the margin have died.

1 Manday Portu Mamod Kootty Moopen.
2 Cholaparambata Oony Moyee.
3 Parangal Marcar.

23. The property possessed by the second of these, Oony Moyee, consists only of a small garden with an old house and some sappan trees, valued at 28 Rupees. Parangal Marcar's property is valued at Rupees 515-6-9, of which 183-0-0 is landed property. The instructions of Government as to the disposal of this property is solicited. Is it to remain under the charge of the Government or to be restored to the heirs of the banished men?

24. The property of Manday Portu Moopa as has been stated, is valued at 30,000 Rupees, of which half is proposed to be carried to the credit of Government, on account of the fine; to a greater part of the remainder, his son now in banishment is entitled by Mahomedan law; but the other members of his family, would under the same law, I believe, be entitled to a portion of this property. Are any steps to be taken regarding the division and restoration of this portion?

25. It will be seen by the subjoined abstract,* that the fines, if the sums mentioned by me in the 12th and 20th paras, are approved of and realized, amount to

* No. 14.

Digitized by Google

Rupees 38,331-8-0 and other receipts to Rupees 293-10-8—total Rupees 38,625-2-8. From this amount, deducting the sums* shewn to have been expended in the statements 1 to 9, there remains a net sum of Rupees 33,746-6-3. Out of this amount, I beg to recommend that the Magistrate be authorized to disburse to the parties noted in the margin, Rupees 2,809-8-5 as compensation for the injuries proved to have been sustained by them at the hands of the assassins. These losses were enquired into by Mr. Collett, and he was satisfied of their correctness.

* Rupees 4,878-12-5.

As per List No. 10.			
Tirooty Namboodry	688	14	11
Nangoo, female	5	1	6
Letchmy	13	0	0
Makat Namboodry	414	0	0
Monkanda Ambalata Moossada	123	8	0
Velootedata Krishnen	15	0	0
Total	1,259	8	5
Moossada's servant, Krishnen's elder brother	1,000	0	0
Arimbra Kolkar, Ramen Nair's uncle	500	0	0
Reward to Palakel Moideen Cootty	50	0	0
Total	1,550	0	0
Grand Total	2,809	8	5

26. Before the assassins entered the house at Mokandambalom, it may be remembered that they murdered the servant of the Moossada, because he refused to give them a spear. The reply of the servant on being asked for the spear is worthy of record. He said, "The spear has been entrusted to "me by my master, and I can only restore it to him or to one commissioned "by him to receive it from me; others can only take it from my corpse." He was immediately attacked and cut down by the assassins.

27. This man has left two brothers and a sister with her five children, and I would recommend that a gratuity of 1,000 Rupees be presented to them out of the fines collected.

28. It will also be recollected, that an Umshom peon coming out of his house, situated near the house in which the assassins had taken up their position, was, by mistake, shot by the soldiers. His death was purely accidental. He was emerging out of a watercourse which separated his house from the wood; the watercourse was deep and thickly covered on its side with jungle; as he was seen coming from the quarter in which the assassins were concealed, he was supposed to form one of the party and was shot. The man was a Nair. He leaves an old uncle with some other relations; his belt has been given to his uncle, and I would recommend that a gratuity of 500 Rupees be bestowed on the latter.

29. Deducting these gratuities, as well as the other sums marginally indicated, there will remain the large excess of Rupees 30,936-13-10 collected over and above the sums disbursed, to be carried to the credit of Government, or to be disbursed by them, if thought advisable, on some local work of useful-

Digitized by Google

ness and improvement; and if the latter, perhaps none would be more appropriate than the establishment of good and efficient schools in the talooks which are the hot beds of these fanatical outbreaks.

30. I cannot close my letter without bringing to the notice of Government the laborious zeal, the great industry, the ability, fidelity and courage exhibited by the head moonshee of my office, Nunja Comoothy from the moment of the escape of the prisoners up to the present moment.

31. He was one of the very few who ventured out on the night of the murder, and was present at Mr. Conolly's house. He was with Mr. Collett during the whole of the investigation. He accompanied me during the time I was employed in collecting the fines, and rendered me much valuable assistance. He has since prepared the statements now submitted, and on all occasions has been ready to afford information regarding the events occurring before and subsequent to Mr. Conolly's death.

32. He is a servant of long standing, of sound and clear judgment, and of much experience, having filled most of the subordinate offices in the Cutcherry, in the Treasury and Revenue departments, and has risen to his present position entirely by his own exertions and merits.

No. 1167.

JUDICIAL DEPARTMENT.

Extract from Minutes of Consultation, under date the 25th October 1856.

Read the following letter from the Magistrate of Malabar, dated 2nd October 1856, No. 94.

1. In the letter above recorded, the Magistrate of Malabar makes a further report on the property attached as belonging to the deported Moplahs, and on the charges incurred consequent on the enquiries instituted in the matter of the assassination of the late Mr. Conolly.

2. The Governor in Council sanctions the disbursements made by the Magistrate, as entered in the statements, Nos. 1 to 9 submitted by him, amounting in the aggregate to Rupees (4,878-12-5) four thousand, eight hundred and seventy-eight, annas twelve and pice five, subject to the production of the necessary vouchers in support of the charges.

Para. 2, No. 10.

3. As suggested by the Magistrate, the Government direct that the articles which were taken from the persons of the assassins by the soldiers of the European detachment employed against them be returned to the parties from whom they were

Para. 3.

Digitized by Google

received; and that with this exception and the war-knives the other articles specified in the list No. 11 be sold by auction, and the proceeds carried to the credit of Government.

Para. 4.

4. They also authorise the articles of jewellery, as well as the live stock and household furniture, being restored to their owners, or to the representatives and managers of the family named in the column of remarks in the statement No. 12, and the grain, seed, and fruit being sold and credited to the estate.

5. In para. 5 of his report, the Magistrate suggests that the landed properties, Nos. 1 to 4, as also Nos. 5, 6, 11, 14, 15 and 16, which are said, to be very small and not worth while retaining underGovernment management, be restored to the nearest relatives of the banished Moplahs, willing to take charge of them on their furnishing security to pay the proprietor's and Government shares of the rent in the first four cases, and to deliver up the property when required, and to make no transfer or mortgage of the same, and further that the tahsildars of the talooks in which these lands are situated be required to report annually on their condition. These suggestions are approved, and ordered to be carried out accordingly.

6. The Government also approve the suggestions submitted in paras. 6 and 7 with respect to the properties Nos. 12, 13 and 17, which will accordingly be retained under Government management for the first two years, and after that, made over to the relatives of the deported prisoners, on their furnishing security for the payment of such annual rent as might be determined upon, besides the Government tax.

7. Under the circumstances represented in paragraph 9 in regard to the property No. 10, held by Mamoo, the Government authorise its being made over to the relations of the prisoner, as recommended by the Magistrate, on their paying a fine equal to half the amount the prisoner is proved to have been possessed of viz., Rupees 93, and on their binding themselves to restore it when required by the Government.

8. With respect to the landed properties of Mandayapoora Moopen, Mahomed Cootty, and Nalagatha Moideen, which are noticed at length in paragraphs 10 to 20, the Government are of opinion that it would be the safest and best course to adopt the second of the alternatives submitted by the Magistrate, and that which he appears to favor, viz., sell such portion of the lands as is unencumbered, as would suffice to realize the amount of the fines imposed in the respective cases, viz., Rupees 15,000 and Rupees 4,000, being one-half the value of the property according to the rule observed in the case of the other expatriated prisoners.

Digitized by Google

9. The arrangements proposed in para. 19th for the management of the residue of the property of the two prisoners above mentioned, are approved, and ordered to be adopted; the Ameen appointed to take charge of it being vested with the powers of a Sub-Officer of Police, and required to keep accounts in the forms A and B, as furnished by the Magistrate and to swear to the latter in the court.

10. The Government approve the dismissal from their situations of the Acting Tahsildar Ramen Menon, the Talook Sheristadar, and the Police Goomastah of the talook, for their gross neglect and disobedience of orders in the matter of the attachment of the properties of the Moopen and Nalagatha Moideen.

11. In regard to the properties of the 2nd and 3rd of the deceased prisoners referred to in paragraphs 22 and 23, the Government authorise their being restored to the heirs of the parties; but as respects the residue of the Moopen's property adverted to in para. 24, to the greater part of which his son, now in banishment, is said to be entitled, they are of opinion that the shares to which the other members of the family would be entitled under the Mahomedan law should be given to them, and the portion falling to the son kept in deposit, and they direct that this course be accordingly adopted.

2. Cholaparambata Oony Moyee.
3. Parangal Marcar.

12. Agreeably to the recommendation of the Magistrate, the Government authorise him to disburse to the parties named in the margin of paragraph 25 of his letter, the sums therein specified, amounting to Rs. 2,809-8-5, (two thousand eight hundred and nine, annas eight and pice five), as compensation for the injuries proved to have been sustained by them at the hands of the assassins. This amount includes the gratuities recommended in paragraphs 27 and 28 to be given to the brothers and sisters of the Moossada's servant, who was murdered by the assassins, and to the uncle of the Umshom peon who was accidentally shot by the soldiers of the European detachment.

As per List No. 10.

Tirooty Namboodry...	688	14	11
Nangoo, female...	5	1	6
Letchmy...	13	0	0
Makat Namboodry...	414	0	0
Markanda Ambalata Moossada...	123	8	0
Velootedata Krishnen...	15	0	0
Total......	1,259	8	5
Moossada's servant, Krishnen's elder brother...	1,000	0	0
Arimbra Kolkar Ramen, Nair's uncle...	500	0	0
Reward to Palakel Moideen Cootty.	50	0	0
Total......	1,550	0	0
Grand Total......	2,809	8	5

13. The Government regard with high approbation the conduct of the head moonshee, Nunjah Comoothy, as brought to notice in the concluding paras. of the Magistrate's letter, and desire that Mr. Robinson, the Acting

Magistrate, will suggest in what manner the Government can most appropriately evince the sense that they entertain of his services.

14. After payment from the proceeds of the fines(a) of the suspected or deported Moplahs and other receipts(b) the expenses (c) incurred, and compensation (d) awarded there will still remain as shown by the Magistrate in page 29 of his letter an excess of Rupees 30,936-13-10, to be, Mr. Clarke says, carried to the credit of Government or to be disbursed by them if thought advisable in some local work of usefulness and improvement. Of the latter, none, he adds, would perhaps be more appropriate than the establishment of good and efficient schools in the talooks which are the hot-beds of these fanatical outbreaks.

(a)	Rupees.	38,331	8	0
(b)	do.	298	10	8
(c)	do.	4,878	12	5
(d)	do.	2,809	8	5

15. It is observed that the Honorable Sir Henry Montgomery has recorded a minute, in which the other members of Government have concurred, proposing that at least one-half of the total amount realized from the Moplah fines be paid in compensation to the family of the late Mr. Conolly. This minute, with the other papers, will be forwarded at an early date to the Honorable Court of Directors, to whom the proceedings of this Government in regard to the recovery of those fines will be reported, and the pleasure of the Honorable Court will be solicited as to the mode in which the fines are to be applied.

No. 1317 A.

MINUTE BY THE HONORABLE SIR H. C. MONTGOMERY, Bart.

Dated 8*th August* 1856.

Now that the greater part of the fines imposed on the several Umshoms in the district of Malabar have been realized, I beg with reference to the last para. of my minute of the 31st March 1856, again to request consideration of the claims of the family of the late Mr. Conolly to some compensation out of the large sum received for the pecuniary loss occasioned by the death of its head. Sec. VII, Act XXIII of 1854 declares that the Magistrate *shall* (not may) "appropriate the sum so levied *in the first place* to the compensation of the parties aggrieved by such outrages, including therein compensation to the family of any person dying by any such outrages, for the pecuniary loss occasioned or likely to be occasioned by such death," *subject to such compensation to the use of Government*—thus making it incumbent on the Government to make such compensation before appropriating to its own uses any por-

Digitized by Google

tion of the fines. There can be no question of the irreparable loss the family have sustained by Mr. Conolly's murder. But, irrespective of the loss of their protector at a time when his children most required one, and of the destruction of the prospects which his position held out to them, there has been actual heavy loss in the disposal of moveable property belonging to the estate at Calicut; while for the house and grounds, late his residence, no purchaser has as yet been found. I would suggest, that at least half of the total amount realized be paid in compensation to Mr. Conolly's family. It is true that the Honorable Court have testified their feelings of compassion to Mr. Conolly's widow by the grant of a very small pension; but this is dependent upon her life, and the shock she has received, and the sorrows she has endured, have so greatly impaired her health that her life is very precarious and her ability to manage the concerns of a family very greatly impaired. It could not have been the wish of the Honorable Court that the proceedings which they have adopted should bar Mr. Conolly's family from any benefit they might justly and legally expect at the hands of this Government; for up to this moment, it must be remembered, no official intimation has reached this Government of the bestowal on the widow of any mark of the Court's favor. The fact is only known through a private and unofficial channel.

The good effect which the levying of these fines has had on the Moplah population has been reported by the Magistrate. It would, I believe, be enhanced by its being known that a portion has been devoted to the support of the suffering family of their victim, and as it is the only mode in which this Government can substantially manifest its sympathy to them, I would earnestly hope that the opportunity may not be lost.

MINUTE BY THE RIGHT HONORABLE THE PRESIDENT.

I am fully prepared to support Sir H. Montgomery's proposition, that a portion of the fines levied on the Moplah Umshoms should be appropriated for the benefit of the family of the late Mr. Conolly.

Indeed, looking at the irreparable loss which the poor children have sustained, their father gone, and their mother almost as I hear incapacitated, I am quite willing to recommend that the whole sum collected should be so applied.

In fact, this act will not altogether fulfil my idea of the assistance which should be rendered to the family.

The view I entertained at the time of the murder was, that the Moplah population should be required to pay a considerable annuity to the widow

Digitized by Google

for her life, and to the family for a certain number of years; but finding there was no power to do this, and that any proposal on the subject would create great delay, and probably a lengthened correspondence, I thought it better, considering the necessity there was for quick action, to limit the requirements of Government to the powers possessed by the present law.

11*th August* 1856. HARRIS.

No. 4,985.

FOREIGN DEPARTMENT.
26*th September* 1856.

From G. F. EDMONSTONE, Esq.,
Secretary to the Government of India,

To T. PYCROFT, Esq.,
Chief Secretary to the Government of Fort Saint George.

Sir,—With reference to the extract subjoined in the margin from a letter from Her Majesty's Acting Vice Consul and the Honorable Company's Officiating Agent at Judda, to the address of the Secretary to the Government of Bombay, dated the 2nd July last, No. 15, I am directed by the Governor General in Council to enquire, when and for what reasons the "Moplah Syud Fuzl" was "expelled from India;" whether the "Moplah Syud Fuzl" is the "Tangul" alluded to in paragraph 44 of Mr. Collett's report, dated the 7th January last, and in the Right Honorable the Governor's minute, dated the 14th idem; and, if so, whether in the estimation of the Government of Fort Saint George, Mr. Conolly's murder was due in any manner to his instigation, or merely to the feelings of acrimony entertained by the Moplahs towards Mr. Conolly, for the part he may have taken in deporting the said Tangul or "Moplah Syud Fuzl."

"Amongst the chief promoters "of hatred against the Chris- "tians are a number of our "subjects residing in Mecca, "the most prominent of whom "is the Moplah Syud Fuzl, "who was expelled from India, "and yet through the re- "presentations of the "Mooh- "sir" last year, had a pension "conferred on him by the "Sultan."

Digitized by Google

No. 1175.

JUDICIAL DEPARTMENT.

To the SECRETARY to the GOVERNMENT of INDIA.

Sir,—I have the honor to acknowledge the receipt of your letter of the 26th ultimo, regarding the Moplah Syud Fuzl, and in reply to inform you that this individual is the Tangul alluded to in Mr. Collett's report of 7th January last, and in the Right Honorable the President's minute of 14th January, and who appears prominently in the correspondence that has taken place of late years on the subject of Moplah outbreaks. He was fully believed by all the authorities in Malabar to have been deeply concerned in inciting the fanatical and sanguinary outrages which have disturbed the peace of that province. He left India in March 1852, having preferred expatriating himself to risking the consequence of his remaining, which would have resulted in his being confined as a State prisoner, under Regulation II. 1819 of the Madras Code. His quick removal was mainly effected by the influence of the late Magistrate Mr. Conolly, and was assigned by the assassins of that officer as one of their reasons for his murder; but direct evidence was wanting to prove that the Tangul himself actually instigated that great crime, though it was clearly shown that the weapons of the assassins were formally blessed at the tomb of his father by the relations and adherents of the Tangul, who are known to have been in frequent communication with him.

FORT ST. GEORGE,
29th October 1856.

(Signed) T. PYCROFT,
Chief Secretary.

No. 1754.

PALGHAT, *18th November* 1856.

From W. ROBINSON, Esq.,
Acting Magistrate of Malabar,
To T. PYCROFT, Esq.,
Chief Secretary to Government, Fort St. George.

From the Secretary to the Government of India, to the Chief Secretary to the Government of Fort St. George, dated 26th Sept. 1856, No. 4,985.
Reply dated 29th October 1856, No. 1,175.

Sir,—With reference to the correspondence noted in the margin relating to the promotion of hostile feelings, by Syud Fuzl Tangul, late of Vettut Poodiangady of this province, and a number of his dependants and connexions resident at Mecca, towards the Christian influence, and sent to me "for information," I venture to offer a few observations, which if ill-timed, I trust will be laid aside by you without further notice.

Digitized by Google

2. Syud Fuzl and most of those about him are of pure Arab descent, and are not Moplahs, or as these are likewise called "new islam" (pudiaislam) who are the new moslem converts (or their descendants) from among the Hindoos of Malabar. A few Moplahs accompanied Syud Fuzl from Malabar, others annually visit Mecca, and as Syud Fuzl has unbounded influence over them, he seems to have obtained the surname of "Moplah" high priest, although himself a pure Arab of a family settled in Malabar little more than a century.

3. The fanatical and reckless doctrines of this high priest and his influence over the Moplahs of his own and other schools of this district nearly threw Malabar into a state of anarchy. The ignorant Moplah was probably actually taught to consider his Hindoo fellow subject a Kafir and his assassination an act entitling him to religious honors, and it was inculcated that to die in mortal combat with an infidel Government ensured a passage to paradise, and entitled him to the rewards of a shahid (martyr for the faith.) If this doctrine was not actually inculcated, the belief was never discountenanced by this Wahabee-souled man. Eight or ten out-breaks cost 200 to 250 lives and frequent collision with the troops, besides great loss of property, and produced consternation and dread among our Hindoo subjects.

4. In 1852, Syud Fuzl's longer residence at large in the province was found wholly incompatible with the maintenance of peace and order. The circumstances under which he left are known to Government. His absence is a great boon, but his influence remains among the people, and the endeavours of his followers to return do not relax.

5. When Syud Fuzl left the country, he did not heartily believe that his departure would be final, and his return would be prevented for ever. No sooner had he reached Arabia in 1853 than he left again for Constantinople, where he successfully moved the British Minister through the Sultan or the Turkish Ministers to obtain for him permission to return to Malabar. I learnt in autumn last, while in Constantinople that Syud Fuzl was well known and considered a remarkable person there.

6. From Constantinople, Syud Fuzl came to Egypt, highly recommended to the Pacha. He was then understood, indeed Lord Stratford described him as on his way back to India. In Cairo, he was supported by the Pacha and lived in his usual ostentatious style of a sainted fakir, influenced no doubt by the strong Moslem feelings prevailing among Musselmans against the advancing western and Christian influence. It is remarkable that he was himself engaged in the purchase of slaves which it is the policy of the British

Digitized by Google

Government to stop. He himself purchased in Cairo, a white female slave whom he took with him to Arabia, when after a few weeks residence in Cairo he left for that country.

7. I obtained in Cairo some curious intelligence relative to Syud Fuzl's private life and conduct in Arabia. It appears that he first took up his residence at Djedda, but soon after, to escape the surveillance of the British Consul there, he removed down the coast, sometimes living at Táyoof, at other times going into the province of Hadramont. He is a constant visitor at Mecca. He maintains even in Arabia a marked pre-eminence as a fanatical ostentatious Wahabee of considerable influence, refusing to recognize any dignitary, and, as my information runs, not taking notice even of a Pacha should he enter his house. He lives on the contributions of the bigotted Moslems, chiefly of this coast. His machinations and ill-feeling against the English power have attracted the notice and excited the apprehensions of the British Officers on the coast of Arabia before this, as may be seen from the communications of Mr. Haines, &c., and warning sent to Mr. Conolly from Aden.

8. The very forward part taken by this individual in the bloody outbreak at Mecca, in 1855 in resistance of the Sultan's order relative to the suppression of the slave trade, was of the character to be expected from his private relations, bold reckless character, and wild exasperated antipathy to British influence.

9. The rumour current here, that he enjoys a pension of 1,000 dollars per annum from the Sultan, now so much vaunted in Malabar by his sect is, I regret to see, confirmed by the correspondence before me.

The same sympathy is assigned for the general sympathy the assassins met with in the caste.

10. The influence of Syud Fuzl over the Moplahs of Malabar continues, and the murderers of Mr. Conolly distinctly and frequently stated that they assassinated him on account of his connexion with the removal of their almost deified high priest. He draws no inconsiderable part of his maintenance from his Malabar worshippers, and the pilgrimages of the Moplahs to Mecca being very constant, Syud Fuzl (who always goes to Hujj) is in constant communication with this rather excitable class of our subjects.

11. Under all these circumstances, I would venture to advocate that no opportunity should be lost to influence the removal of Syud Fuzl from the Arabian coast, perhaps to Damascus, Broussa, or elsewhere, where his conduct might be watched and his influence neutralized.

Digitized by Google

No. 1,279.

JUDICIAL DEPARTMENT.

To the SECRETARY to the GOVERNMENT of INDIA,

Foreign Department.

With reference to your letter under date the 26th September last, No. 4985, and my reply of the 29th ultimo, No. 1175, I have the honor to forward the accompanying copy of a communication from Mr. W. Robinson, Acting Collector of Malabar, and for many years employed in that province—furnishing further particulars in respect to the priest Syud Fuzl, and to request the special attention of the Government of India to the recommendation contained in the concluding paragraph, in which this Government fully concur.

Dated 18th November 1856.

FORT ST. GEORGE, 25*th November* 1856.

(Signed) T. PYCROFT, *Chief Secretary.*

No. 5,998.

FOREIGN DEPARTMENT.

5th December 1856.

From G. F. EDMONSTONE, Esq.,

Secretary to the Government of India,

To T. PYCROFT, Esq.,

Chief Secretary to Government, Fort St. George.

SIR,—In reply to your letter, dated the 25th ultimo, No. 1,279, forwarding a copy of a communication from the Acting Magistrate of Malabar, furnishing further particulars in respect to the priest, Syud Fuzl, I am directed to express the concurrence of the Governor General in Council in the suggestion of Mr. W. Robinson, in the concluding paragraph of his letter, as to the propriety of removing Syud Fuzl from the Arabian coast.

2. Copies of the present correspondence and of the other papers about the Syud will be sent to the Honorable Court of Directors.

Ordered to be communicated to the Acting Magistrate of Malabar in reference to his letter of the 10th ultimo.

Digitized by Google

MINUTE BY THE RIGHT HONORABLE THE PRESIDENT.

I have been for some time in communication with Mr. Playfair, the Assistant Political Agent at Aden, on the subject of Syud Fuzl the Malabar Tangul.

Mr. Playfair has lately obtained an official communication from the Acting Vice Consul at Juddah, a copy of which I now circulate.

As the Government of India have lately made some enquiries respecting this person, a copy should be sent to them; and I wish a copy to be sent to the Government of Bombay, with the intimation that it is despatched to them on Mr. Playfair's expressed desire, as he had not time to take a copy, he having received the communication from Mr. Page only just before the departure of the packet.

31*st December* 1856. HARRIS.

No. 40.

JUDDAH,
31*st October*, 1856.

From STEPHEN PAGE, Esq.,

Her Majesty's Acting Vice Consul and Honorable Company's Agent at Juddah,

To R. L. PLAYFAIR, Esq.,

Assistant to Political Agent, Aden.

SIR,—Syed Fazal the Moplah Tangul arrived here in June 1853, bringing with him letters from Constantinople to the Governor of the Hedjas, amongst which was one from Lord Redcliffe, giving him permission to return to India. As it was evident to Mr. Vice Consul Cole this letter had been obtained through misrepresentation, he not only refused to act upon it but prohibited any of the Indian shipowners giving him a passage to India, and his conduct was approved. The Syed, finding he could not embark from this place, obtained permission to visit the Yemen, evidently with the intention of proceeding to Aden and from thence to India. Mr. Cole prevented this by insisting on a letter being written to the Governor of that place to the intent that he was not to be permitted to leave it without orders from here, and moreover as a precautionary measure advised the Political Agent at Aden of the same.

Digitized by Google

He returned here on the 8th May 1855, and, has received one year's pension from the Hedjas Government. I am not aware if he received any whilst in the Yemen from that Government or not. I believe as regards the pension received here, his petition was supported by the late Moosher Kiamih Pasha, who finding him to have great influence amongst his co-religionists was under the impression by so doing he would secure him in the interests of the Sultan. In this he was grievously mistaken. This man was one of the chiefs (although not appearing to take a prominent part) in the late insurrection of the Sceniff. Abu Montallih must ultimately fail, as the Arabs were abandoning his cause and joining the party of Ebu Oman. He endeavoured to retire, and appears to be absorbed only in his religious duties. This feint I am informed did not however succeed so fully as he anticipated, as His Excellency Kiamih Pasha previous to his departure gave orders the pension should not be continued. Nevertheless as His Excellency Mahomed Pasha, his successor, not only justifies the late conduct of Abu Montallih, but also protects his partizans, there is very little doubt the pension will be continued. Syed Fazal is amply supplied with funds, and I am assured on good authority that he has an open credit in the house of Shaim Cadoo and Co., of Bombay, who I am informed have extensive connections on the Malabar Coast. Their agent here is Hajje Ahmed Doser, who is looked upon as the chief of the "Mohomans." What amount he draws per annum I cannot discover; he is living at present occasionally at Tayf and Mecca, and keeps up a very large establishment, supporting at least some 50 or 60 persons as servants or retainers; a short time since he purchased a house in the latter place for either $ 3 or 4000; but which will cost a considerable further sum to put it in order. I mention this to show that he is not in want of funds.

The influence of this man among his co-religionists, especially the "Mohomans," the pilgrims from the Malabar Coast, and the Hadramoots, can scarcely be credited. These classes are the most fanatical of the Mahomedans, and I am convinced that his power for good or evil is rather increased than curtailed by his residence here, especially when it is borne in mind that we have at least some 2,000 pilgrims annually arriving from the Malabar Coast, all of whom consider it incumbent on them to pay their respects to the Syed and receive his benediction; that the most unbounded confidence is placed in his words; that therefore any desire manifested by him would be almost certain to be carried out if possible on their return to their country.

The present "Moosher" Mahomed Pasha, a thorough fanatic and ignorant of every thing, even the relative positions of nations, and a declared partisan

Digitized by Google

of the late Sceniff, is likely to increase the influence of the Syed considerably. I regret that the information I am able to give is so meagre, but the difficulty of obtaining any is very great, especially as he is considered by the Mahomedans as a martyr on account of his religion.

No. 15.

JUDICIAL DEPARTMENT.

To the SECRETARY to the GOVERNMENT of BOMBAY.

With reference to previous correspondence on the subject of the Arab Priest Syed Fuzl, I am directed by the Right Honorable the Governor-in-Council to forward for submission to the Bombay Government the accompanying copy of a letter addressed by Mr. Page, Acting Vice Consul at Juddah, to the Assistant Political Agent at Aden, Mr. R. L. Playfair.

2. I am instructed to state that this letter is sent to the Bombay Government at the expressed desire of Lieut. Playfair as he had not time to take a copy, having received Mr. Page's communication only just before the departure of the packet.

FORT ST. GEORGE, 5th *December* 1857. (Signed) T. PYCROFT, *Chief Secretary.*

No. 15,

JUDICIAL DEPARTMENT.

To the SECRETARY to the GOVERNMENT of INDIA.

With reference to previous correspondence on the subject of the Arab Priest Syud Fuzl, I am directed by the Right Honorable the Governor in Council to forward for submission to the Supreme Government the accompanying copy of a letter addressed by Mr. Page, Assistant Vice Consul at Juddah, to the Assistant Political Agent at Aden, Mr. R. L. Playfair. I am instructed to state that this letter is sent to the Supreme Government at the expressed desire of Lieutenant Playfair as he had not time to take a copy, having received Mr. Page's communication only just before the departure of the packet.

FORT ST. GEORGE, 5th *December* 1857. (Signed) T. PYCROFT, *Secretary to Government.*

Digitized by Google

MALABAR,
MAGISTRATE'S OFFICE ON CIRCUIT,
CANNANORE, *17th September* 1857.

No. 123.

From W. ROBINSON, Esq.,
Acting Magistrate of Malabar,
To E. MALTBY, Esq.,
Acting Chief Secretary to Government,
Judicial Department, Fort St. George.

SIR,—In continuation of Mr. Clarke's letter, dated 2nd October 1856, No. 94, I have the honor to report the completion of the arrangements for the levy of the sanctioned fines viz. Rupees 38,625-2-8 from the Moplas implicated in the assassination of the late Mr. Conolly under Act XXIII of 1854.

Taluqs.	Umshoms	No. of persons fined.	Estimated value of property.			Fines collected.		
			RS.	A.	P.	RS.	A.	P.
Walloowanaad..	Nemeny....	59	43,000	0	0	1,857	8	0
	Kariavattom ,...	60	32,000	0	0	1.951	0	0
Betutnaad.... ...	Kalpakancherry.	90	52,054	1	2	16,989	0	0
	Kanmanom	83	15,000	0	0	1,869	0	0
	Vaddakomprom.	73	21,000	0	0	1,991	0	0
	Talakad.... .. .	109	55,207	14	2	8,842	0	0
Shernaad	Kodoovayoor. ..	174	75,000	0	0	3,003	0	0
Calicut.....	Catcherry........	32	12,000	0	0	1,317	0	0
Kooroombranad ...	Kedavoor........	39	10,000	0	0	512	0	0
		719	3,15,261	15	4	38,331	8	0
Add sale proceeds property belonging to the murderers of the late Mr. Conolly &c., &c.						293	10	8
					Total	38,625	2	8

Expenses	4,878	12	5
Compensation &c., paid...	2,809	8	5
Total..................	7,688	4	10
Balance on hand Rs...	30,936	13	10

2. To recapitulate concisely the whole a table is given marginally, showing the Umshoms implicated, &c., &c. The entire amount of the fines has now been collected, amounting to Rs. 38,625-2-8. Expenses to the extent of Rupees 4,878-12-5 have been incurred, and the compensation, &c., sanctioned in Extract Minutes of Consultation, dated 25th October 1856, para. 12, have been disbursed, leaving a net balance of

Digitized by Google

Rupees 30,936-13-10 available for the object laid down in Extract Minutes of Consultation, dated 17th July 1857, No. 843. On this subject I recommend that a communication be made to the executors of the late H. V. Conolly, Esq.

Names.	Amount returned.		
	RS.	A.	P.
Cheriat Coonheydoo ...	18	8	0
Kanady Koye Pokur ...	5	0	0
Odaykel Ally Assen ..	116	3	11
Parangal Markar..	515	6	9
Chanbagasherry Oony Moye...	2	3	0
Corongot Cooney Rayen...	215	2	9
Do. Abderman ...	1,470	15	11
Malakel Mamoo...	353	11	2
Moolah Markar Cooty...	5	2	5
Ooney Moye ...	28	0	0
Cootty Pokur...	563	8	3
Abdoolakady. ...	6	4	0
Mookry Koyamoo ...	2	0	0
	3,302	2	2

3. The property which under Extract Minutes of Consultation, dated 25th October 1856, para. 4, was ordered to be unconditionally released and returned to the owners, has been duly returned as per margin.

Names of Offenders.	Persons to whom made over.	Amount.		
		RS.	A.	P.
1. Cheriat Coonheydoo	Kakat Coonholen.........	49	11	1
2. Kanady Koye Pokur. ...	Moydoo...	26	2	2
3. Techeyadden Pokur. ...	Ooony Aly...	110	4	10
4. Venmully Seyed...	Moideen Cootty...	118	12	4
5. Malakel Mamoo..........	Oomacha Omah...	186	5	1
6. Mookry Pawroo ...	Oomary Oomah...	19	8	0
7. Abdoolakady..............	Oomat Oomah...	14	10	9
8. Mookry Koyamoo.........	Patoomah...	11	10	10
		537	1	1

No. 5 of the above list is the property the subject of para. 7 of Extract Minutes of Consultation, No. 1,167 of 1856.

4. The marginal table shows the property which, under para. 5, of Extract Minutes of Consultation dated 25th October, 1856, has been returned to the relations of implicated individuals on security, and under the conditions laid down by Government.

Names.	Amount of property.		
	RS.	A.	P.
1 Corongot Coonhy Rayen...	392	7	0
2 Ditto Abderman	4,356	0	10
3 Eyembalata Cootty Pokur ...	887	4	0
Total...	5,635	11	10

5. As directed in para. 6 of Extract Minutes of Consultation, arrangement has been made for retaining the property of the individuals shewn in the margin for two years under Government management. The period will expire on the 31st May 1858, when unless orders to the contrary are received, the property will be made over to the relatives on the condition directed by Government.

Digitized by Google

6. The income from the above properties has amounted to Rupees 485-6-6, which, together with the receipts for the whole period during which these properties (liable to forfeiture under the regulation) are held under the modified escheat, should, I think, be carried to the credit of Government. It is estimated that the income will amount to Rupees 700.

No. 1	104	6	7
„ 2	337	12	0
„ 3	43	3	11
	485	6	6

Para. 2 of Extract Minutes of Consultation, dated 12th January 1857, No. 49.

7. The family of Mandaipoorat Moopen (deceased in exile) has paid up in cash the 15,000 Rupees amersed on his possessions, with a view of saving the landed &c. property.

8. With reference to Extract Minutes of Consultation, dated 12th January 1857, No. 49, I issued a proclamation, but no inconvenience of the nature anticipated appears likely to result from the arrangement. I have therefore acted on the authority conveyed in para. 2, and made over the property, at the request of all the near connexions, to Ally Moopen, the representative of the family, and their most respectable connexion. He makes himself and the property answerable for any demands, &c., on the property in future by any person alleging title thereto.

9. With reference to para. 11 of Extract Minutes of Consultation, dated 25th October 1856, and with a view to ascertaining the share to be reserved as that of the Mandaipoorat Moopen's eldest son Veera Oony, one of the expatriated prisoners (still alive), and whose property must be retained under attachment, I assembled a respectable Punchayet, and under their award, property to the amount of Rupees 1,625 of the family property, has been retained as the share of the family property which would belong to this prisoner. This property will be held in attachment until further orders.

* Rupees 4,000.

10. The fine* imposed on Nalagath Moideen was recovered by sale of certain landed property. There remains property of this expatriated individual to the amount shewn in the margin, and which is likewise retained under management.

	Rs.	A.	P.
Estimated value of property attached as per valuation submitted...	8,207	14	2
Value of property sold as per above valuation ...	4,315	8	5
Amount realized...	5,147	5	3
Deduct compensation and liens discharged ...	1,138	5	9
Actual proceeds	4,008	15	6
Amount of fine...	4,000	...	...
Credited to estate...	8	15	6
Estimated value of property still remaining...	3,901	5	3
Income to date...	352	8	5
Total...	4,253	13	8

Taluq.	Names.	Amount of property.		
		RS.	A.	P.
Shernaad.	Oddaikel Ally Assen.	1,276	4	4
	Manamel Awran Cootty.	18	10	10

11. The property of the two expatriated individuals shewn in the margin, remains likewise under attachment under similar circumstances. They are both alive and in exile. The family of the former is in reasonable comfort &c., and the latter has no one dependent on him who suffers from the property being withheld.

	RS.	A.	P.
* Property under attachment as per award of Punchayet.. ...	1,625	0	0
† Property under attachment.....	4,253	13	8
‡ Oddaikel Ally Assen	1,276	4	4
Manamel Awran Cootty...... ...	18	10	10
Total ..	1,294	15	2

12. There remains therefore only the above four cases on which orders are required. 1st, in regard to * Veera Oony, *v.* para 9; 2nd, in regard to Nalagath Moideen, ‡ *v.* para. 10; and 3rdly, on the two individuals‡ mentioned in para. 11. The circumstances of Veera Oony, Oddaikel Ally Assen, and Manamel Awran Cootty do not call for any special indulgence. The family of Nalagath Moideen on the contrary is in great indigence, and I would recommend that 1,000 Rupees worth of property be relinquished for their maintenance. The property of the three first and the remainder of that of Nalagath Moideen should continue under management, and all proceeds go to credit of Government. The severity shown has had a most beneficial effect, and, as the determination to repress crime in earnest had long been doubted in the country, I do not think that further leniency would be advisable at present.

	RS.	A.	P.
Tirooty Namboodry............	688	14	11
Nangoo, female.....................	5	1	6
Letchmy......	13	0	0
Makat Namboodry...	414	0	0
Moonkanda Ambalata Moossada	123	8	0
Vellootedata Krishnen.... ...	15	0	0
Total...	1,259	8	5
Moossada's servant, Krishnen's elder brother.....	1,000	0	0
ArimbraKolkar, RamenNair's Uncle...	500	0	0
Reward to Palakel Moideen Cootty	50	0	0
Total...	1,550	0	0
Grand Total...	2,809	8	5

13. The orders conveyed in para. 12 have been duly executed, and the gratuities distributed as per margin.

14. As directed in para. 3 of Extract Minutes of Consultation under acknowledgment, the articles which were taken from the persons of the assassins have been returned to the soldiers from whom they were received. The other articles therein referred to, have been sold by public auction, and the proceeds, amounting to Rupees 39-12-0, carried to the credit of Government.

Digitized by Google

13. I propose addressing the Government separately on the subject of para. 13 of the Extract Minutes of Consultation under acknowledgment.

No. 128.

MALABAR,
MAGISTRATE'S OFFICE, CALICUT,
22nd September 1857.

From W. ROBINSON, Esq.,
Acting Magistrate of Malabar,
To E. MALTBY, Esq.,
Acting Chief Secretary to Government,
Judicial Department, Fort Saint George.

Letter from Magistrate to Chief Secretary to Government, dated 2nd October 1856, No. 94, paragraphs 30 to 32, bringing to notice the meritorious services of the Head Moonshee of his Office, Munjoo Camooty.
Extract Minutes of Consultation, dated 25th October 1856, No. 1,167.
Do. do. 17th July 1857, No. 843.

SIR,—With reference to the papers of date and purport noted in the margin, I have the honor to forward, and most strongly to recommend to the favorable consideration of Government, a Petition by Munjoo Camooty, Head Moonshee in my office.

10th August 1857.

2. His prayer is that in consideration of his arduous and meritorious services in connexion with the various Moplah outbreaks which have during the last fifteen years occurred in Malabar, he may now be allowed to retire on the pension of a rank which he will only attain after a further service of three years and six months.

3. The marginal statement gives the services of Munjoo Camooty. He has been twenty-six years and six months in the service, during nine years of which he has held the responsible and influential position of Head Moonshee on a salary of Rupees 100 per month. During the latter period in addition to discharging other important duties, he has been intimately engaged in the enquiry held into the circumstances of six heavy Moplah outbreaks, and on several

Appointments.	Period of Service.	Years.	Months.	Pay. RS.	A.
Dufter Bund........	From 1st Dec. 1830 to 3rd February 1831....	0	2	10	8
Treasury 4th Gomashta.	,, 25th March 1831 to 24th July 1832....	1	4	14	0
Do. 3rd do. ...	,, 25th July to 24th August 1832........	0	1	21	0
Do. 2nd do. ...	,, 25th August 1832 to 28th Feb. 1837....	4	6	28	0
Do. Head do. ...	,, 1st March 1837 to 12th May 1843........	6	2	35	0
Magistrate's Moonshee........	,, 13th May 1843 to 25th July 1848........	5	2½	70	0
Head Revenue Moonshee........	,, 26th July 1848 to 10th August 1857.....	9	½	100	0
	Total ..	26	6		

Digitized by Google

occasions has been entrusted with executive duties, requiring all the courage experience, and tact which he eminently possesses, and which secured for him the full confidence and very high estimation of the late Mr. Conolly.

September and October 1849, Angadipoorom. February and March 1851, Muttanoor.

4. On two occasions Munjoo Camooty has assisted me personally in conducting Moplah outbreak cases, and I can testify cordially to his assiduity, ability, and boldness, under circumstances not a little trying.

5. Munjoo Camooty is a native of Canara and a foreigner in Malabar, and he is anxious to return home with his family. Incessant labor for years and much exposure in connexion with Moplah outbreaks and enquiries, and especially during that recent and protracted one connected with the assassination of Mr. Conolly, have greatly reduced his vigor and strength of body, so that though not absolutely incapacitated for further service, he is now a sufferer from debility and frequent attacks of sickness.

6. One further consideration in regard to this case I venture to press on Government, and it is one for which I am most anxious to secure an indulgent consideration. Munjoo Camooty has for some years past had very reasonable grounds for anxiety as regards his personal safety at the hands of the Moplahs of the district. He considers himself, and perhaps he is, a "marked man." He has been, as above stated, engaged in every outbreak case which has occurred for the last thirteen years. His energy, vigor, and ability, as a detective have in no small degree contributed to conviction of crime and complicity where these have been established, and there is among the Moplahs probably an exaggerated belief of his influence, in procuring preventive and repressive measures. On this ground I think that compliance with the prayer of the Petitioner, were as expedient as I think the indulgence well merited.

Ex. Mins. of Consultation,	No. 329	dated 22nd April	1841.
Ditto. „	„ 759	4th October	„
Ditto. „	„ 934	17th Decr.	„
Ditto. „	„ 95	8th Febry.	1842
Ditto. „	„ 69	27th Janry.	1844
Ditto. „	„ 187	8th March	„
Ditto. „	„ 794	1st Decr.	1849
Ditto. „	„ 155	28th Febry.	1850
Ditto. „	„ 700	20th Nov.	1851
Ditto. „	„ 89	6th Febry.	1852
Ditto. „	„ 249	6th April	1852
Ditto. „	„ 581	3rd Octr.	1853
Ditto. „	„ 1,167	25th Octr.	1856

7. I therefore beg to recommend that Munjoo Camooty be allowed to retire on a pension at least equal to one-half of his present salary. If the Government see ground to grant a larger portion, it will be accepted with gratitude.

Digitized by Google

Representation of Munjoo Camooty, Head Moonshee of the Malabar Collector's Cutcherry.

To W. ROBINSON, Esq.,

Acting Collector and Magistrate of Malabar.

Sir,—I beg leave to acknowledge the receipt of the copy of Extract Minutes of Consultation, dated 17th ultimo, containing para. 3 of the Despatch of the Honorable the Court of Directors, under date the 3rd June 1857, No 6.

The handsome manner in which the Honorable Court have deigned to notice my humble services, is a source of high gratification to me, and I shall ever remember it with feelings of deep gratitude.

It tends to raise me in the estimation of my countrymen, and to inspire them with the confidence that merits will meet with due consideration and reward at the hands of Government.

It was my desire to remain in the service of a Government so upright and benign until the last days of my life; but the labor and personal exertion which an active and conscientious discharge of my duties has involved, have of late, in a great measure, weakened my constitution. This, coupled with the exigencies of my private concerns,—which demand my constant attention,—renders me unable to continue longer in the service. Under these circumstances, I deem it advisable to retire, and with due deference solicit the grant of a pension for my support.

My age is forty-six years, and I have been in the service for about twenty-seven years, nine of which I have passed in my present post of Head Moonshee in your Cutcherry. During the whole period of my servitude, I have not, even on a single occasion, been either fined or warned for any fault whatever, nor have I ever been absent from my post on leave.

The duties appertaining to my situation, as well as those connected with Moplah outbreaks, I have always discharged with zeal and alacrity and to the best of my ability, as the records of the office will testify. Some instances in which I have thus conducted myself in the performance of important and special duties entrusted to me, are, I beg leave to add, known to yourself.

I submit a list of my servitude, together with the Sunnuds of various appointments I have held in the office, and most respectfully pray that the circumstances above detailed may be taken into your kind consideration; that the period of three and odd years' servitude still required to entitle me to the benefit of a pension of one-half of my monthly salary, may be foregone, and

Digitized by Google

that a pension equal to such portion of my present pay of 100 Rupees as you may vouchsafe to determine, may be granted to me.

In conclusion I beg to add, that although I shall be a retired servant, I shall be ever ready to render my services with zeal and integrity on any occasion on which they may be required for the purpose of conducting any special and confidential public duties.

CALICUT,
10*th August* 1857.

Signature of
MUNJOO CAMOOTY.

(True Copy.)
(Signed) W. ROBINSON,
Ag. Collr. and Magistrate of Malabar.

No. 1,275.

JUDICIAL DEPARTMENT,

Extract Minutes Consultation, dated 5*th October* 1857.

Read the following letter from the Acting Collector of Malabar.

(Here enter No. 123, dated 17th September 1857.)

Mr. Robinson now reports the completion of the measures instituted by the late Magistrate, Mr. Clarke, under Section VII. Act XXIII of 1854, for the levy of certain fines from members of the Moplah community, which levy was ordered by Government on the occasion of the assassination of the late Mr. Conolly.

2. Mr. Clarke's letter of the 2nd October 1856, above referred to was, it is observed, reviewed at length in Extract Minutes Consultation, No. 1,167 of the 25th idem, and the subject was brought to the notice of the Honorable Court in a letter dated the 11th November following, No. 38 of 1856. The suggestion of Government that the law should be strictly applied by the sum levied being appropriated "to the compensation of the family" of the lamented deceased, has met with the approval of the Honorable Court, and the net amount* of the levy was accordingly ordered in Extract Minutes Consultation No. 843, dated 17th July last to be disbursed to the administrators of the late Mr. Conolly's estate. Subsequently, on the date marginally noted, payment was authorized to be made, on certain conditions, to Messrs. Arbuthnot & Co., the Attorneys and Agents of the widow of the deceased.

Compy.'s letter to Fort St. George, Judicial Department 3rd June, No. 6, of 1857.
* Rupees 30, 936-13-10.
Dated 5th August 1857. No. 957.

3. Some few points regarding the disposal of the residue of the estates of certain Moplahs implicated in the outrage have now to be disposed of.

1st. The Government directed that so much of the balance of the Moopen's property as under the Mahomedan Law would fall to the share of that individual's son now in banishment, should be taken out of the hands of the remaining co-heirs and kept in deposit. Mr. Robinson, to ascertain the exact amount, referred the matter to a respectable Punchayat, which has assigned, as the portion inheritable by his son (Veera Oony), landed property of the value of Rupees 1,625.

Para. 11. Extract Minutes Consultation, dated 25th October 1856.

2ndly. There is further under attachment an estate of the State prisoner Nalagati Moideen, of the value, *plus* income to date, of Rupees 4,253-13-8.

3rdly and *4thly.* There remain under like attachment the properties of two other prisoners, viz.

	Value.			
Oddaikel Ally Assen....................	1,276	4	4	Rupees
Manamel Awran Cootty........	18	10	10	do.

4. In all these cases Mr. Robinson proposes that the property shall remain under his management, "and all proceeds go to credit of Government." The latter recommendation is made on the ground that "further leniency" in the case of Moplahs would be unadvisable.

5. However this may be, the Government cannot adopt a measure which is at variance with the law. Regulation II of 1819 is by Section IV of Act No. XXIII of 1854 declared applicable to the cases of all persons charged with or suspected of an intention to commit any offence punishable under the said Act. Accordingly a number of Moplahs have for "reasons of State policy" been placed by Government under "personal restraint." It has further appeared necessary to Government that the "estates and lands" of these Moplahs shall be attached and placed under the management of the Revenue authorities. But this attachment is "temporary" only; legal provision is made to protect in the interim the just rights and interest of the proprietors; and when in process of time restoration may be made without public hazard and inconvenience, the Collector (Section XI) is to adjust the accounts of the estate during the period in which his superintendence has been exercised, and *to pay over to the proprietor* the profits from the same "which may have accumulated during the attachment."

6. Such is the Law, and Mr. Robinson, so far as his duties as Collector are concerned, will be careful to observe it. He will also at an early date

Digitized by Google

furnish in a tabular form a description of the estates and lands attached, in order that the Government may communicate it, with such other information as may appear essential, to the judicial authorities, as enacted by Section IX of the Regulation. In preparing this statement, the Acting Magistrate will exclude from it any *personal* property that may have been attached; and if any such has been attached, he will at once release it, the management of property not coming under the head of "lands and estates" not being provided for by the Regulation. From one or two expressions in his report and the small value assigned to one or two properties under notice, the Government suppose that an error may inadvertently have been committed.

Para. 12.

7. There would be no objection to make over property to the value of Rupees 1,000 to the family of Nalagath Moideen provided they will execute a Moochilka of indemnity.

8. In the second of the letters recorded at the head of these Proceedings, the acting Magistrate furnishes his Report on the special reward to be assigned (as proposed in Extract Minutes Consultation, dated 25th October 1856, and approved by the Honorable Court in their letter 3rd June No. 6 of 1857), to Munjoo Camooty, the head Moonshee in the Magistrate's Department. He recommends, in accordance with the Moonshee's own wish, that Nunjoo Camooty may be allowed to count his service (which amounts to nearly twenty-seven years) as one of thirty years, and so be allowed to retire on a one-half pension, the highest rate assigned in the Rules.

9. The Governor in Council has much pleasure in giving his sanction to this proposal. The grant, like every other *special* pension, is of course dependent on the orders of the Honorable Court, who will be at once addressed on the subject, and whose approval, to judge from the notice they have already been pleased to take of the services of the Moonshee, he confidently expects.

Rules of 15th May 1851. *Seventh.* "Should cases arise which are not sufficiently provided for in these Rules, or in which, from special circumstances, Government may be pleased to deviate from them in favor of a claimant to pension, such pension shall be considered only as temporary and provisional, until the grant shall have received the sanction of the Honorable the Court of Directors."

10. The Acting Magistrate will submit the usual Form of application for Pension in course.

No. 601.

JUDICIAL DEPARTMENT.

Extract Minutes of Consultation, dated 7th May 1858.

Read the following letter from the Acting Magistrate of Malabar.

(Here enter No. 52 dated 27th March 1858.

In Extract Minutes of Consultation, 5th August last, No. 957, Government authorized the payment of Rupees 30,936-13-10, being the

amount of the fines levied from the Moplah inhabitants of certain Umshoms in Malabar on the occasion of the assassination of the late Mr. Conolly, to the widow of the deceased (through her Agents, Messrs Arbuthnot & Co.) under the provisions of Section VII of Act No. XXIII of 1854, and with the concurrence of the Honorable Court as communicated in their Despatch No. 6 of 1857. Subsequently, on the 5th of October following (No. 1,275) they instructed the Acting Magistrate as to the proper course to be pursued regarding the estates of certain Moplahs who had been proceeded against under Section IV of the aforesaid enactment, on being charged with divers offences punishable under the Act.

2. Mr. Robinson now submits (Enclosures I, II, III, and IV) particulars of the landed property under attachment viz., the estates of four several Moplahs, who under the provisions of Reg. II of 1819 are now in confinement as prisoners of State.

3. The Government resolve to transmit these lists to the Sudder Court and, through that Court, to the Civil Judge of Calicut, with reference to Sections IX and X of the Regulation referred to, and further to inform the Sudder Court, that, the proprietors having been implicated by the investigations which took place on the assassination of the late Magistrate of Malabar, the Government deemed it expedient on grounds of state policy to place those individuals under personal restraint, and to take their estates under attachment.

4. The measures proposed by Mr. Robinson for the future management of these properties, appear to be the best that can be made, and are approved accordingly. The Government doubt whether the "Savings Bank" will accept charge of the sums Mr. Robinson proposes to invest in it, as that Institution does not recognise any trusts.

No. 4.

CALICUT,
20th January 1859.

From P. GRANT, Esq.,
Acting Magistrate of Malabar,
To T. PYCROFT, Esq.,
Chief Secretary to Government, Judicial Department,
Fort Saint George.

SIR,—I beg to bring to the notice of Government that Act 23 of 1854 is in force only up to the end of this year.

2. In my opinion it should be kept in force for a further period of five years at least. The temper of a great portion of the Moplah population is such

that any relaxation of its provisions would be attended with considerable danger to the peace of the Province. The same feeling which led to all former outbreaks is still as rife as ever, and would quickly show itself were it not for the heavy penalties entailed under the provisions of this Act.

JUDICIAL DEPARTMENT.

Extract Minutes of Consultation, dated 28th January 1859, *No.* 120.

Read the following letter from the Acting Magistrate of Malabar.

(Here enter No. 4, dated 20th January 1859.)

The Right Honorable the Governor in Council is quite prepared to apply to the Legislative Council for an extension, for a further period of five years from the end of the present year, of Acts XXIII of 1854, and V of 1856; but before so doing, he would wish for the opinion of the Magistrate of Malabar, the Sessions Judge of Tellicherry, and Session and Subordinate Judge of Calicut, whether in their judgment any modifications of, or additions to, the provisions of those enactments are required for fully securing the objects for which they were passed.

2. Those Officers will be pleased to send in their replies direct to Government at an early date.

(Signed) T. PYCROFT,
Chief Secretary.

No. 15.

TELLICHERRY.
4th February 1859.

From H. FRERE, Esq.,
Session Judge of Tellicherry,

To T. PYCROFT, Esq.,
Chief Secretary to Government, Judicial Department,
Fort Saint George.

SIR,—I have the honor to acknowledge the receipt of the Extract from the Minutes of Consultation under date 28th ultimo, having reference to the proposed renewal of Act No. XXIII of 1854.

2. I have no hesitation in supporting the views of Mr. Grant on the above subject, which I am able to state are also fully in accordance with those of the late Acting Collector Mr. W. Robinson.

3. It may perhaps be argued that the provisions of the above Act are perpetuated by Section II of the subsequent Act No. V of 1856, which seems in fact capable of such a construction; but if this was the intention of the framers of the latter Act, it seems to me desirable that this intention should have been more clearly stated, and that Section X of Act No. XXIII of 1854

Digitized by Google

should have been repealed in express terms. This Section, being the concluding Section of the Act, is omitted in Mr. Williams' edition of the Acts relating to the Madras Presidency from 1848 to 1855, but will be found on reference to the Government copies.

4. It is in either case to be observed that no mention is made in Section II, No. V of 1856 above mentioned, of one of the most important passages in Act No. XXIII of 1854, being Section VII of that enactment; and even therefore on the hypothesis that other provisions of Act No. XXIII of 1854 are perpetuated by Section II Act No. V of 1856, the same cannot be affirmed with regard to Section VII of the former Act.

5. By the Section VII, Act XXIII of 1854 above noticed, the Magistrate is authorized, whenever a Moplah outrage has been committed, to levy fines on the Moplah community in the immediate neighbourhood of the spot where the perpetrators resided. The principle embodied in this Section has, as is well known, been followed with much advantage and effect by Mr. Montgomery and other authorities with reference to outrages committed during the recent mutinies in the North West, and I should be disposed to regard any special Act for Malabar from which this provision was excluded, as incomplete and of comparatively little value.

6. I conclude it may not be considered irrelevant if I here allude to the effect which has followed legislation on the same principle in the disturbed districts of Ireland. The quotation here given is from the *London Times* of the 2nd November 1857, and relates to the well known murder of Mr. Ellis, which had then recently taken place.

7. "An extra constabulary force of about twenty men commanded by a vigilant Inspector have been sent to the locality, and the charge, about £800 per annum must be paid by the neighbouring inhabitants, under the Peace Preservation Act, 1856. The provision of the Statute which imposes this heavy penalty is but a renewal of the law of Alfred, which made the hundred answerable for any felony committed within its Circuit, unless hue and cry were made, and the felon detected and brought to justice; but the Peace Preservation Act gives the Lord Lieutenant power to allocate the charge so as to exempt the innocent and place it on the shoulders of those who have connived at the crime or sympathize with the criminal. In many instances the pressure of the tax has coerced the peasantry to give the murderer to justice."

Digitized by Google

8. For the above reasons I should strongly advocate the express repeal of Section X, Act No. XXIII of 1854, and the renewal of that Act either for a further term of five years as proposed by Mr. Grant, or until the Legislature shall otherwise provide.

9. I should also be disposed to recommend that the provisions of Section VII, Act No. XXIII of 1854 should be extended to the Umshom or Umshoms in which the crime may have been committed, as well as those in which the criminals may be resident; whenever it may be ascertained from presumptive evidence or otherwise that the crime was perpetrated with the knowledge and consent of the Moplah inhabitants of the neighbourhood. In the case of the sanguinary outbreak which took place in January 1852 at Mattanoor, sixteen miles from Tellicherry, in which a substantial Brahmin land holder and his entire family, fifteen persons in all, were murdered in one night, the perpetrators came from a distance; but it was well established that the murder was committed with the perfect knowledge and consent of the Moplah community generally, in the neighbourhood where the crime was perpetrated; and some of them were in fact convicted and sentenced to lengthened terms of imprisonment as accessories.

10. I would also in the above Section expunge the words "within the Umshom or the several Umshoms" and substitute the words "in the neighbourhood." As the words at present stand, any rich and influential Moplahs, if not resident on the exact spot, might escape with impunity, though the Magistrate might be fully satisfied that they had sympathized with the criminal or had even instigated the perpetration of the outrage.

11. I have the honor to annex a draft of an Act prepared in accordance with the above views. Those words of Section VII, Act No. XXIII of 1854 which have been added to, or substituted for words of the Section as it now stands, are underlined in red ink (*Italics.*)

Draft of Act No. of

Whereas it is expedient to extend and otherwise modify the provisions of Act No. XXIII of 1854, it is enacted as follows:

I. Section X, Act No. XXIII of 1854 is hereby repealed.

I. Section VII of the above Act is modified as follows:

III. Whenever any such outrage, as is specified in the 2nd Section of the above Act, the same being punishable under the above Act, shall have

Digitized by Google

been committed by any Moplah or Moplahs, it shall be lawful for the Magistrate, with the sanction of the Governor in Council, to levy such sum of money as the Governor in Council shall authorize, from all the Moplahs *in the neighbourhood* to which the perpetrator or perpetrators, or any one of such perpetrators of such outrages, shall be found to belong, or wherein any such perpetrator shall have been resident at the time of the commission of the outrage, *or that in which the outrage may have been committed*; and the said Magistrate shall assess the proportions in which the said sum shall be payable upon the several heads of families of Moplahs *in the above neighbourhood* according to his judgment of their respective means; and the said Magistrate shall appropriate the sum so levied as follows, that is to say, in the first place, to the compensation of the parties aggrieved by such outrages, including therein compensation to the family of any person dying by any such outrage for the pecuniary loss occasioned or likely to be occasioned by such death; and, subject to such compensation, to the use of the Government.

IV. The above Act as modified by Sections I, II and III of the present Act, shall continue in force until the Legislature shall otherwise provide (or for a further period of five years from the 31st December 1859.)

No. 19.

CALICUT,
4th February 1859.

From H. D. COOK, Esq.,
Session Judge of Calicut,
To T. PYCROFT, Esq.,
Chief Secretary to Government, in the Judicial Department,
Fort Saint George.

SIR,—With reference to to the Extract from the Minutes of Consultation, under date the 28th ultimo, I have the honor to state for the information of the Right Honorable the Governor in Council that the Acts have hitherto completely met the ends in view, and I am not prepared to recommend "any modification of or addition to, the provisions of those enactments." I do not quite concur with the Acting Magistrate "that the same feeling which led to all former outbreaks is as *rife as ever*;" but to remove the heavy penalities entailed under the provisions of the Acts in question, might tend again to *excite* the same feelings which, happily, at present, are not nearly so prealent, but this is the result of the Acts in question. I would therefore keep it in force for another period of five year s.

Digitized by Google

No. 18.

CALICUT,
4th February 1859.

From W. HOLLOWAY, Esq.,
Sub Judge of Calicut,
To T. PYCROFT, Esq.,
Chief Secretary to Government, Fort Saint George.

SIR,—1. In acknowledging receipt of Extract from Minutes of Consultation dated 28th January, I have the honor to suggest the following alterations in Act No. XXIII of 1854, previously to its re-enactment.

II. After the words* "the forfeiture of all his property of whatever kind to Government by the sentence of the Court by which he is tried," I would insert the two following provisions:

* Section 2.

(1.) "Proof that any person has for three months immediately preceding such outrage been resident in the same house with the person committing such outrage shall be conclusive evidence that such person so resident has incited and encouraged such person so committing such outrage to do and commit the same."

(2.) "The circumstance that any person is Moollah of the Deshom in which the person committing such outrage as aforesaid shall have resided for three months immediately preceding its commission shall, unless rebutted by positive proof that the person committing such outrage has been during the aforesaid previous three months or any part of them under the spiritual guidance of some other Moollah or other Moplah priest, be conclusive evidence as against the Moollah of the Deshom in which the person committing the outrage has for the aforesaid three months resided that such Moollah incited the committer of such outrage to its commission (*a*.)"

III. In Section VII. I would insert after resident at the time of or in which he shall have entered any house belonging to any one of the class of persons called Moplahs after the commission of such outrage (*b*.).

IV. I would insert after Section VII, "For the purposes of Sections II and VII of this Act, all property which shall at the time of such liability to penalty be in the order and disposition either of any person liable to the penalties therein declared, or of any member of his family, shall be subject to fine or forfeiture in the manner therein provided, and shall not be exempted because alleged to have been alienated for Stridhanum, the use of individual members of the family, or for any other purpose whatsoever, save and except that before sale of property in such order and disposition one month's notice

Digitized by Google

shall be given for parties other than the members of the family of the person so liable to fine or forfeiture by virtue of these provisions to put in their claim to such property, and before proceeding to sale, the Officer or Court adjudging such fine, penalty, or forfeiture shall decide upon the validity of such claim and his or their decision thereupon shall be subject to no appeal to any tribunal whatsoever. *(c.)*

I would insert in Sec. VIII, by sale of any property real or personal in the order and disposition of the person liable to such penalty or his family.

These Sections are not presented as accurately drawn, but are intended merely as a sketch of my views upon the subject.

I am perfectly aware that all these propositions are of a very stringent character, but it is necessary to remember that they are intended for insertion in a piece of exceptional legislation directed at an evil of enormous magnitude.

With respect to the two presumptions which tribunals would be here directed to make, I have only to observe that they are the legitimate conclusions from the premises, but would never be made in the Courts of this country because it appears to be conceived here that the weighing of evidence is a matter of law. I submit that these outbreaks are by no means sudden. They are preceded by elaborate discussion and much preparation.

The ruffian requires religious aid, sanction, and consolation; he divests himself of all secular connections, and it is utterly impossible that those resident in his house should be unaware of his purpose. Not only are they not, but there is not a single man in his Umshom so ignorant.

At a distance of miles from the place of the outrage it is well understood by the Moplah population that it is in preparation, and at the time of the frightful outbreak of 1852, it was quite common for a Moplah jocularly to ask his neighbour, "whether he was going to the marriage," still more certain is it that a hedge Priest of some description has been concerned. He is as completely the depository of the secrets of the men who attend his ministrations as was the Jesuit. Every Moplah outbreak has its Garnet, and until a blow is struck at these men, and it is made palpably their interest to prevent, as they can with ease prevent, these scandalous affairs, nothing has been accomplished. If any Moplah jurors were asked to give their opinion whether the priest who instructed the ruffian and the companion who inhabited the same house with him could be ignorant of his purpose, they would smile at the simplicity of the questioner.

Since all reasonable men know that the artificial rule is in a strict accordance with the truth, I know not why there should be any hesitation in inserting it in an Act not intended to be rosewater legislation.

Digitized by Google

V. (*b*) This is intended to force the Moplah population to do what they can with ease do, hand over the offenders to justice, and at any rate prevent them from aiding them as they now do.

VI. The remaining Sections require no remark.

No. 8.

PARPARANGADDY,
9th February 1859.

From P. GRANT, Esq.,
Acting Magistrate of Malabar,
To T. PYCROFT, Esq.,
Chief Secretary to Government, Judicial Department,
Fort Saint George.

No. 120. SIR,—I have the honor to acknowledge Extract Minutes of Consultation, dated 28th January 1859, in which I am called on to state my opinion, whether any modifications of, or additions to, the provisions of Acts 23 of 1854 and 5 of 1856 are required to secure the objects for which they were passed.

2. According to my judgment no modifications of the Acts should take place; if possible, their provisions should be made more stringent. In dealing with fanatics, we have to do with men more dangerous to their fellow subjects (except their co-religionists) than any wild beast that inhabits the jungle. The great object of course is, to get rid of such pests when they shew themselves, and to prevent their springing up in future. I believe that nothing will tend more to this end, than to pursue the course recommended by a Moplah, which is that when an outbreak does take place, the Magistrate be empowered to call on the principal Moplah inhabitants of the parish, to which the fanatics belong as well as of that part of the country in which they are found, to seize and deliver them up, dead or alive, to him; in the event of their failing to do so, and on proof of their having evinced sympathy with the fanatics, that the provisions of Act XXIII of 1854, shall be applicable to them.

A fanatical outbreak is not a thing of a day. It is mooted, talked over, and speculated on by the Moplahs in the parish for days and weeks before perhaps; not one of whom, I believe, would even allow it to come to a head if he thought that there was the least chance of his being made an instrument for its repression under the heavy penalties proposed.

3. The Moplah disease and the remedy proposed are both severe. The man who suggested the latter is well acquainted with his countrymen, and the nature of his cure indicates very plainly that a fanatical outbreak is not

Digitized by Google

per se the disease, (which pervades the Moplah class) but its results; he strikes at the canker-worm itself, and I have no doubt that his plan would prove effectual.

ORDER THEREON, No. 376; dated 21st March 1859.

Ordered that the following letter be despatched.

(Signed) T. PYCROFT,
Chief Secretary.

No. 377.

FORT SAINT GEORGE,
16*th June* 1859.

From T. PYCROFT, Esq.,
Chief Secretary to Government, Fort Saint George.

To H. FORBES, Esq.,
Member for Madras of the Legislative Council of India.

SIR,—The operation of Act XXIII, 1854, or "an Act for the suppression of the outrages in the District of Malabar in the Presidency of Fort Saint George" and of Act V, 1856, or "an Act to give effect to Act XXIII, 1856, from the time of its promulgation in the District of Malabar and to extend the application thereof in future," which is to be read and construed as one Act with Act XXIII, 1851—expires with the present year.

2. On the 20th January last, the Acting Magistrate of Malabar addressed the Government on the subject, giving it as his opinion, that the Acts in question should be kept in force for a further period of five years at least. The temper of a great portion of the Moplah population he stated to be such, that any relaxation of its provisions would be attended with considerable danger to the peace of the Province. The same feeling which led to all former outbreaks was still as rife as ever, and would quickly show itself, were it not for the heavy penalties entailed under the provisions of these Acts.

3. The Government, whilst fully prepared to apply to the Legislative Council for an extension of the Acts, deemed it proper first to ascertain from the Acting Magistrate himself, and from the Judicial Officers of the Province, the Judge and Subordinate Judge of the Zillah of Calicut, and the Judge of the Zillah of Tellicherry, whether, in their judgment, any modifications of, or additions to the provisions of the enactments were required, for fully securing the objects for which they were passed. Their replies to this reference are enclosed.

Digitized by Google

4. It will be observed that the Judge and Subordinate Judge of Calicut, and the Judge of Tellicherry, all Officers of considerable experience in Malabar, concur with the Acting Magistrate, as to the imperative necessity of maintaining the present special provisions in force in the Province, and even of enhancing their stringency. It appears therefore superfluous to say more as to the need of continuing the Acts.

5. With respect to the emendations that have been proposed by the Local Officers, the Government, I am instructed to state, concur with Mr. P. Grant, that, on an outbreak taking place, the Magistrate should be empowered to call on the principal Moplah inhabitants of the Parish, or Umshom, to which the fanatics belong, as well as of that part of the country in which they are found, to seize and deliver them up, dead or alive, to him; and that, in the event of their failing to do so, and evincing sympathy with the fanatics, that they be brought under the provisions of the Act, and be subjected to fine.

6. The Government further agree with the Sessions Judge of Tellicherry that the provisions of Section VII should be extended to the Moplahs of the Umshom or Umshoms in which the crime may have been committed, as well as to those of the Umshoms to which the perpetrators of the outrages shall be found to belong, or in which they were resident at the time of the commission of the outrage.

7. The Government are not prepared to urge the adoption of the rigorous provisions recommended by the Subordinate Judge. There is, they think, much force in his remarks; but they believe that the measure as now proposed will be sufficient, and they are unwilling to press upon the Legislative Council an enactment of greater stringency than may be absolutely necessary.

8. With these observations, I am desired to request that a Bill embodying the provisions of Acts XXIII, 1854, and V, 1856, with the additions above suggested, may be prepared and laid before the Legislative Council. If it be thought advisable, the Act may, like the present Acts, be limited in operation to five years; but there seems little reason to expect that the spirit against which it is directed, will have passed away within that period. It may therefore deserve consideration, whether it should not be without limit as to duration.

(Signed) T. PYCROFT,
Chief Secretary.

FORT SAINT GEORGE,
1*st March* 1859.

Digitized by Google

FORT WILLIAM,
4th May 1859.

From H. FORBES, Esq.,
Member for Madras of the Legislative Council,
To T. PYCROFT, Esq.,
Chief Secretary to the Government of Fort Saint George.

1 have had the honor to receive your letter of the 21st of March, No. 377, and I now enclose, to be laid before the Government, a copy of a Bill to suppress Moplah outrages in Malabar, which I introduced on the 30th April 1859, and which was read a second time this day.

Act XXIII, 1854.
Act V, 1856.

2. In drafting a Bill to continue the provisions of Act XXIII of 1854, it appeared to me expedient to repeal both the existing Laws, and to re-enact their provisions in a new Act, with such alterations or additions as might be requisite, rather than to continue the former Acts, and have three separate Laws on one and the same subject.

Sections IX. and X.
Section IV.

3. I have followed this course therefore, and have, as will be seen, introduced the additional provisions which the Government desired, and have also introduced a provision, taken from Act XXV of 1857, to prevent the Law of forfeiture being defeated by the alienation of property by a Moplah in anticipation of engaging in an outbreak.

4. On the second reading of the Bill, Mr. Ricketts and Sir James Outram objected to the introduction of any new provision, on the general ground that, if Act XXIII of 1854, has been found sufficient to suppress fanatical crimes, there can be no need to enhance the stringency of its provisions.

5. Mr. Ricketts spoke against the Law as it now stands, and in his speech informed the Council that when he was on the Hills in 1857, he heard from several Officers, whether Civil or Military he did not say, that the Law was considered most oppressive by the Moplahs, and that he had been led to believe that insurrection would not improbably follow any steps that might be taken to make it more stringent.

6. The second reading was carried without a division, but I have no doubt that an attempt will be made to throw out the new Sections in Committee.

7. In replying to Mr. Ricketts, I stated to the Council that the very existence of the Law in question prevented my being able to show a necessity for its continuance, it had been passed to repress crime, and had been sucessful; but I refused to admit that its very success was to be adduced as an

Digitized by Google

argument against its continuance. I admitted that I could adduce no facts to show that the continuance of the Law was necessary, but I brought forward the opinions of the Local Officers and of the Government upon the subject, and argued against the supposition that there was anything oppressive in a Law which interfered in no way with the ordinary following of any man's ordinary pursuits, and which simply proclaimed that no one should with impunity commit murder, or abet its commission by others.

8. The Bill will not, under the standing orders, be further proceeded with for three months, and if in the interim, the Government should be able to support the necessity for the new parts of it by any additional facts, they will, I am sure, communicate them to me.

MINUTE BY THE HONORABLE W. ELLIOT, Esq.

The three additional Clauses proposed to be added to the provisions of Acts XXIII of 1854 and V of 1856, appear to me to be unexceptionable.

Two of these were recommended by this Government, the third by the Madras Member of the Legislative Council.

The first is in my opinion more reasonable and appropriate than Section IX in itself.

It is quite possible that the inhabitants of the Amshom in which the perpetrator of an outrage resides, may not be aware of the intended crime. The plan may be, and generally is, formed by persons at a distance and the individual selected as a fit agent may be called away secretly to the scene of outrage, where he may be detained awaiting a suitable opportunity which can hardly fail to be known to the inhabitants of that Umshom, as was the case on the occasion of Mr. Conolly's murder.

The Clause merely gives the power of imposing fine in such cases as well as in the case of the place of habitual residence if there shall be sufficient cause.

II. The second proposed Clause gives power to call on the residents of the Umshom in which the accused resides to deliver him up. This being a new feature in the enactment, although in keeping with the general tone of the Bill, and justifiable in itself, may I think be abandoned.

III. The last Clause, as explained by Mr. Forbes, I conceive to be very necessary that the penalty provided by Section IV may not be evaded. Its propriety is so obvious that it requires no argument.

I cannot admit that the two Clauses I and III enhance the severity of the enactment. They render its provisions more easy of enforcement and less

Digitized by Google

liable to evasion. They do not touch the principle or introduce any new description of penalty.

It is to be remembered that the provisions are to be carried out at the discretion of Government, and not to be absolutely enforced unless found to be required.

The case put by Mr. Ricketts is not applicable to a class of men banded together by ties and principles of union which, as in the case of the Chinese Secret Societies and the Roman Catholic White boys of Ireland, enable them to set all ordinary precautionary measures at naught.

We have no new facts to offer, because the application of the Law in 1856-57 has been too recent, and the effects of that example remain.

On that occasion it was enforced so promptly that there was no time to devise those means of evasion, which with a people determined and intelligent like the Moplahs, would doubtless be resorted to (especially with reference to the third proposed Clause) on a future occasion.

I see no objection to limiting the duration of the Act to ten years.

31*st May* 1859. (Signed) W. ELLIOT.

MINUTE BY THE HONORABLE W. A. MOREHEAD, Esq.

I would limit the Act to ten years. The new Clauses merely render the Law more effective, they do not import into it any new principle, and will doubtless add further restraints upon the Moplah population, and place them in a position that will render them even still more careful in respect to encouraging others to the commission of crimes than they have been since the passing of Act XXIII of 1854.

The Act should be passed as asked for by this Government.

31*st May* 1859. (Signed) W. A. MOREHEAD.

MINUTE BY THE HONORABLE THE PRESIDENT.

I am clearly of opinion that this is a case in which more than the *ordinary* powers of the Law are required to prevent outrage founded upon a highly organised system of secret association, similar in many of its features to the Irish Agrarian system for the repression of which Laws of equal stringency, taking the different states of society into consideration, have

been enacted—a fine upon the town lands to pay for the Extra Police has been added in my time. I have nothing to add to Mr. Elliot's and Mr. Morehead's observations.

6th June 1859. (Signed) C. E. TREVELYAN.

ORDER THEREON, 16th June 1859, No. 830.

Ordered that the following letter be despatched.

(Signed) T. PYCROFT.

No 831.

FORT SAINT GEORGE,
16th June 1859.

From T. PYCROFT, Esq.,
Chief Secretary to Government, Fort Saint George,
To H. FORBES, Esq.,
Member for Madras of the Legislative Council of India.

SIR,—I am directed by the Honorable the Governor in Council to acknowledge the receipt of your letter of the 14th ultimo, forwarding copy of a bill to suppress Moplah outrages in Malabar, which you have introduced into the Legislative Council, and which has been read a second time.

2. It appears that on the second reading, the Honorable Mr. Ricketts and Sir James Outram objected to the introduction of any new provisions, on the general ground that, if Act XXIII of 1854 has been found sufficient to suppress fanatical crimes, there could be no need to enhance the stringency of its provisions.

3. Mr. Ricketts, further, it seems, spoke against the Law as it now stands, and in his speech informed the Council, that when he was on the Hills in 1857, he heard from several Officers, whether Civil or Military he did not say, that the Law was considered most oppressive by the Moplahs, and that he had been led to believe, that insurrection would not improbably follow any steps that might be taken to make it more stringent.

4. Of the three provisions newly introduced into the Bill two, it is remarked, were recommended by this Government, at the instance of the local Officers; the third has been added by yourself, following the principle adopted in Act XXV, 1857.

Digitized by Google

5. The first of these new provisions, or that inserted in Section IX, authorizing the levy of fines upon the Moplahs "of the Umshom in which the outrage shall have been committed," seems to this Government even more reasonable and appropriate than the other provisions of that Section which are now in force.

6. It is possible that the inhabitants of the Umshom in which the perpetrator of an outrage resides may not be aware of the intended crime. The plan may be, and not unfrequently is, formed by persons at a distance, and the individual selected as a fit agent may be called away, secretly, to the scene of outrage, where he may be detained awaiting a suitable opportunity. That he is there for such a purpose can hardly fail to be known to the Moplah inhabitants of that Umshom. This was actually the case, as respects the Moplahs of Calicut, on the occasion of Mr. Conolly's murder.

Section X.

7. The second fresh Clause proposed by this Government gives power to call on the Moplahs of the Umshoms to which the perpetrators of the outrage may belong, or in which they were resident when the outrage was committed; or in which they may be found to be, to deliver them up. This is certainly a new feature in the enactment, but it is quite in keeping with the general tone of the Bill and amply justifiable.

8. The new Section of your introduction, Section IV, on the grounds explained by you in your statement of objects and reasons, appears very necessary to prevent the evasion of the penalties awarded under the Act. Its propriety is so obvious that it requires no argument.

9. Of these new provisions, the first and last cannot be said to add to the stringency of the enactment. They simply render its provisions more easy of enforcement and less liable to evasion. They do not touch the principle, nor introduce any new description of penalty.

10. It should not be overlooked that these, as well as all the provisions of the Bill are to be carried out at the discretion of the Government, and not to be absolutely enforced unless found to be required.

11. In regard to the general argument that if the present Act XXIII of 1854 has been found sufficient, it is unnecessary to add to it, I am instructed to remark that the existing Law has had but a very short trial. It was indeed passed in 1854, but it was not practically carried into effect until the spring of 1856, after Mr. Conolly's murder, and when it had been found

Digitized by Google

necessary to resort to an *ex post facto* Law V of 1856, to give the proclamation issued on the perpetration of that crime retrospective effect. Then several Moplahs considered guilty of complicity in the murder were deported, and fines to the amount of between 30,000 and 40,000 Rupees levied, and this severity, then for the first time experienced by the Moplahs, had a most salutary effect. But all this happened only three years ago, and the history of these outrages shows that, even before the Act passed there were considerable periods of intermission. There would be no outrages for years, and then one would suddenly break out. It is therefore too soon to say that the Act has been completely successful, or that it is perfect as it stands and needs no addition.

12. The Government are unable to support the necessity for the new parts of the Law by any additional facts. The application of the Law in 1856 is but recent, and the effects of that example remain. It was enforced on that occasion so promptly that there was no time to devise those means of evasion, which with a people determined and intelligent like the Moplahs, would doubtless be resorted to (especially with reference to the third proposed Clause) on a future opportunity.

Section IV.

13. The idea entertained by Mr. Ricketts that any addition to the provisions of the present Act might lead to an insurrection in the province, the Government regard as wholly delusive. The local Officers, men of much ability and experience in the province, may be supposed to be best informed on such points, and their views are fully expressed in their letters.

Messrs. Frere, Grant, and Holloway.

14. It cannot be too strongly impressed upon the Legislative Council that the present case is wholly exceptional, that they have to legislate for men banded together by ties and principles of union which as in the case of the Chinese Secret Societies and the Roman Catholic White Boys of Ireland, enable them to defy all ordinary precautionary measures. More than the common powers of the Law are required to prevent outrages founded upon a highly organised system of secret association, similar in many of its features to the Irish Agrarian system for the repression of which Laws of equal stringency, taking the different states of society into consideration, have been enacted.

15. Under these circumstances the Government would wish you earnestly to urge upon the Legislative Council, the propriety of adopting the addition to Section IX and your own new Section IV. For the retention of Section X they are less solicitous.

Digitized by Google

16. Your reasons for not fixing a limit on the duration of the Law seem to this Government to be sound; but if this should be opposed, they would be satisfied by the Act being passed for ten years or until 1st January 1870.

Proceedings of the Madras Government, dated 28th October 1859, No. 1,460.

Resolved that the following Proclamation be published in the Fort Saint George Gazette.

Whereas by a Proclamation under date 18th September 1855, the entire District of Malabar was declared subject to the operation of the Act XXIII of 1854, or an Act for the suppression of outrages in the District of Malabar in the Presidency of Fort Saint George, and whereas the said Act XXIII of 1854 has been repealed by Act XX of 1859, the Honorable the Governor in Council, under Section II of this latter Act, hereby declares the whole of the District of Malabar to be subject to the operation of all the provisions of that Act or Act XX of 1859.

2. Resolved also, that the Magistrate of Malabar be directed to publish the above Proclamation, and a Malayalum translation in the District Gazette, and to make the Proclamation and the provisions of the Act known generally throughout his District.

(Signed) T. PYCROFT,

Chief Secretary.

Digitized by Google